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WHAT REALLY HAPPENS IN CHILD SUPPORT CASES: AN EMPIRICAL STUDY OF ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT ORDERS IN THE DENVER DISTRICT COURT

BY LUCY MARSH YEE*

Child support is, or should be, of significant concern to society. It has been estimated that approximately seventy percent of the children in this country live in households which do not include both of the child's natural parents.¹ Therefore, a high percentage of the children in the United States theoretically should be entitled to some child support. Establishment and enforcement of child support orders, however, do not seem to have a high priority in our judicial system, nor are establishment and enforcement handled consistently.

The following three orders for child support were made by the same judge: father A pays \$60 per month to support two children from a net monthly income of \$450, father B pays \$50 per month to support two children from a net monthly income of \$900, father C pays \$120 per month to support two children from a net monthly income of \$450. Why does the father with the highest monthly income pay the least? Why does father C, with exactly the same income as father A, pay twice as much?

During 1978, a study was undertaken of child support orders entered by the District Court in Denver, Colorado, to determine what orders are entered for child support, what factors cause the dramatic variation in these orders, how well child support orders are being enforced, and what means of enforcement seem to be most effective. The study is based on a scientifically selected random sample of cases² scheduled for hearing in the Denver Dis-

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1. Interview with Margaret Perkins, M.S.W., N.A.S.W., L.S.W. II (1979).

2. It was the goal of the author to include 150 cases in which a new support order was entered and 150 cases in which a case was set for hearing on a contempt citation. Because of various data collection problems, the final data is based upon 135 new support order cases and 152 contempt citation cases. Between January 1 and December 31, 1977, the Denver District Attorney's Office handled 574 cases for new support orders. There was an attempt to include in the study every fourth support order case in which the respondent was served and the case was set for court hearing. Using a random number table, we began with the seventh case in the time frame of the study. Since 266 contempt citations were handled by the Denver District Attor-

trict Court during the period from January 1, 1977, to September 30, 1978, under the Uniform Reciprocal Enforcement of Support Act (URESA).³ Although the scope of the study is limited, it is believed that the results are representative of child support orders in general.⁴

ney's Office in 1977, an attempt was made to include every other case in which a citation had been set for hearing, starting with the random number nine.

3. Only cases brought under the Uniform Reciprocal Enforcement of Support Act (hereinafter cited as URESA) are included. URESA is used primarily to enforce duties of support owed to minor children, but it is available for use on behalf of anyone to whom a duty of support is owed; *e.g.*, a former spouse or a child over the age of 21 who is incompetent and therefore entitled to continued support. URESA is not used when both parents of a child live within the same county. Therefore, many support orders entered as part of a divorce never become part of the URESA system. Each URESA order is a new order and "does not nullify and is not nullified by a support order made by" another court of the same state or of a different state. COLO. REV. STAT. § 14-5-132 (1973). Thus, there is no guarantee that a support order entered in a divorce proceeding when both parties are present will be followed when a new support order is entered under URESA. Usually the URESA order is sought because the original order is not being obeyed.

URESA has been adopted, either in the original or the revised version, by all 50 states. The Colorado URESA is found at COLO. REV. STAT. §§ 14-5-101 to 143 (1973 & Supp. 1978). Both the original version and the revised version provide for substantially the same procedures: a person who has legal custody of a child, or a welfare department making payments for the benefit of the child, files a complaint for support in the child's local court. Normally the person seeking support on behalf of the child is assisted in filing the complaint by the local district attorney. *See id.* § 14-5-113. The assistance of a district attorney at any stage of the proceedings usually is provided without charge to the petitioner, as it is in Denver. Once an action for support has been commenced, the local court, if it determines that a duty of support probably is imposable on the person named in the complaint, forwards the action to the jurisdiction in which that person may be found. In other words, a mother in Pennsylvania, seeking support for her children, may file a URESA action in her local court with the help of her local district attorney. The action will then be sent to the district court of the jurisdiction in which the father of the children resides, Denver, Colorado, in this example. The Denver District Attorney will then assist the court by securing service on the father. The Denver District Attorney will represent the petitioner at the hearing to establish a support order and at all enforcement proceedings thereafter required. Support payments made by the respondent will be paid to the clerk of the Denver District Court and forwarded by him to the proper authorities in Pennsylvania, eventually reaching the petitioner, the mother of the children.

Child support orders under URESA are entered and enforced by the same judges who enter and enforce other child support orders, but the fact that a father resides in a different state from his children is undoubtedly significant in the results. A father who rarely sees his children will be less likely to maintain a close personal involvement with them and probably will be less likely to pay. However, this may be offset by the fact that a father who rarely sees the mother of his children may be less likely to get into bitter battles with her. A father's anger toward the mother of his children undoubtedly has an effect on his willingness to pay child support.

A Wisconsin study on compliance with child support orders found that "after one year only 38 percent of the fathers were in full compliance and 42 percent were in total non-compliance, i.e., they paid nothing. But at the 10th year compliance had dropped to 13 percent and total non-compliance had risen to 79 percent." Conti, *Child Support: His, Her, or Their Responsibilities?* 25 DE PAUL L. REV. 707, 718 n.62 (1976). Thus, absence from the home and distance from the children seem to have an impact on payment of child support. It was not unusual in URESA cases for a father to explain that he had not paid support primarily because he did not approve of the present conduct of his former wife, even though such approval or disapproval is legally irrelevant to the obligation to pay child support.

4. During the period of this study, all URESA cases were assigned to the two domestic relations judges in the Denver District Court. These were the same judges who also heard privately initiated cases for dissolution of marriage, child support, child custody, and similar matters on a regular basis. The system currently used in the Denver District Court has been modified to some extent. New petitions for a support order are now heard initially by either of two designated referees. The referee then recommends entry of a particular support order, and the order is actually signed by one of the regular domestic relations judges. Thus future studies should include an analysis of the impact of the referees, as well as the judges, on establishment

In any study of child support orders, variation would be expected both as to the amount of support ordered and as to the methods of enforcement because the needs and resources of the particular people involved vary. In addition, child support cases, like any others, are affected by the relative skill and ability of the lawyers and judges who handle the case.

The impact of the style and ability of individual attorneys, however, is somewhat diminished in the present study by the fact that all of the cases were handled by one of two attorneys assigned to the Child Support Division of the Denver District Attorney's Office.⁵ Thus, only two attorneys were involved in representing the petitioners.

Similarly, only two judges, who were assigned to domestic relations, were involved in a large percentage of the cases (86% for establishment of support orders and 72.8% for enforcement). The remainder of the cases were decided by nine other judges. The variation among the orders of the judges involved, particularly those of the two primary judges, indicates that the personality, beliefs, and attitude of the particular judge who hears a case have a distinct impact on the outcome of the case. Again, since most of the data originated from the orders of only two judges, a fairly valid picture of the cases handled by those two judges may emerge, but not enough cases were included in the study from each of the nine other judges to ascertain a consistent pattern for all judges—if there is one.

So, recognizing the limits of the study, this article will discuss the data secured. Part One discusses the establishment of child support orders, the amounts awarded, and the factors which influenced the size of the orders. Part Two summarizes the family and welfare consequences of those support orders. Part Three deals with the enforcement of child support orders.

I. ESTABLISHMENT OF CHILD SUPPORT ORDERS

A. *The Amount Awarded*

Child support orders entered by the Denver District Court during 1977-78 ranged from a low of zero for two children to highs of \$640 per month for five children (\$128 per child) and \$225 per month for one child. The average order was \$84.53 per month,⁶ but that number is misleading. Some orders were entered for the benefit of several children. Other orders were entered for the benefit of only one child. The average order per child was \$47.15 per month.⁷

of support orders. All contempt citations in URESA cases continue to be heard by the regular domestic relations judges.

5. Although two attorneys handled all the child support cases for the Denver District Attorney, only one of them was full time. The other, the author, worked only ten hours per week. The author handled litigation of all cases scheduled to be heard before one of the two domestic relations judges, but did almost no work on settlements and stipulations reached prior to the day of trial.

6. This number was determined simply by adding together the amount of the order from all 135 cases, including the cases which appeared twice in the sample and the cases in which no order was entered, and dividing that sum by 135.

7. This number was determined by dividing the total of all orders, as found by the method set forth in note 6 *supra*, by the total number of children involved in all 135 cases (242 children).

Perhaps the average amount ordered per child still does not accurately portray the situation. It may be true that two cannot live as cheaply as one, yet the cost of raising two children in the same household is simply not twice the cost of raising one child. Clothes are usually handed down. Car payments are totally unaffected by the presence of a second child. Babysitters usually charge no more for additional children. Rent and utilities, though they may increase somewhat as family size goes up, simply do not double or even increase by one-third when a second child is added to a family.⁸

It was beyond the scope of this study to ascertain just how much more per month should be paid for the second or third child in a family. However, two sources of financial data were available for comparison with the amounts awarded by the Denver District Court. Welfare payments to a family with dependent children increase somewhat with the number of children in the family. Table 1 sets forth an example of such payments. In addition, in 1973 the late Judge William Burnett of the Denver District Court promulgated guidelines to be considered in establishing child support orders. The guidelines were published in the *Family Law Newsletter of The Colorado Lawyer*⁹ with a strong admonition from the Family Law Council that the guidelines should not be used to replace individual discretion in particular cases. For ease of comparison, Judge Burnett's guidelines have been converted to a monthly basis,¹⁰ using 4.3 weeks per month. The converted monthly guidelines are set forth in Table 2 and will hereafter be referred to as the guidelines. These guidelines are based on the net income of the person subject to a court order for support, as are all income figures mentioned in this study. The average monthly payment actually ordered when there was one child covered by the support order was \$78.06 per month.¹¹ The average monthly payment when there were two children covered by the order was \$97.28.¹² This is an increase of 23.2% for the second child. The guidelines at a comparable net income level provide for an increase of roughly 86.7% for the second child, yet they provide for only a 20% incremental increase for the third child. This study did not include enough families with three children, however, to make a valid statistical comparison of the increase ordered by the courts when there were three children.¹³

Further refinement of this data may be necessary to portray accurately the amount of child support ordered. The calculations in the preceding paragraph included all cases which were part of the random sample, but forty-

8. A third source is available for comparison: child support guidelines published by the Maricopa Co. Bar Assoc., Maricopa Co., Ariz. See 8 COLO. LAW. 1032, 1036 (1979). It was not used in this study.

9. 5 COLO. LAW. 45, 46 (1976).

10. Only the guidelines for one, two, and three children were converted to monthly figures, as few cases in this study included four or more children. See note 13 *infra*.

11. This number was secured by using all cases in which one child was involved, excluding duplicate cases.

12. The amount of \$97.28 was figured by the same method indicated in note 11 *supra*.

13. In fact, there were only 10 families in the study with 3 children, 5 families with 4 children, 2 families with 5 children, and 3 families with 6 children. Of these 20 families, only 12 were involved in cases in which a support order was actually entered. Disregarding cases in which no order was entered, we are left with only 7 families with 3 children, 3 families with 4 children, 2 families with 5 children, and no families with 6 children.

nine of these cases, 36.3%, resulted in the entry of no support order. At first glance it would seem that these cases simply should not have been included in the study, but the information provided by them is too important to ignore. The possible reasons for the "no order" rate will be analyzed later.¹⁴ At this time, however, it is sufficient to emphasize that 36.3% of the total number of cases studied resulted in no order.¹⁵ Since an order requiring support payments may later have been obtained in many of those same cases, it seems proper when analyzing the average amount of support ordered to disregard the cases in which no order was entered.

Returning to the average amount ordered per case and per child, and considering only those cases in which some support order was entered, we find that the average order per case was \$126.68;¹⁶ the average order when there was one child in the family was \$95.30; and the average order when there were two children in the family was \$122.39 or \$61.20 per child. In other words, the average support order for two children was 28.4% higher than the average support order for one child. Under the guidelines, the support obligation would be expected to increase by 86.7% for a second child. If the guidelines were applied, a father who paid a total of \$95 for one child would be expected to pay approximately \$180 for two children. Clearly the gap between the guidelines and what actually happens in support order cases is dramatic. Whether a second child actually causes household expenses to increase by 28.4% or by 86.7% is beyond the scope of this paper. The fact remains that in Denver the average increase for the second child when *some* order is entered is 28.4%.

However, averages per se are not particularly enlightening. Too much has been left out. We need to know the details of specific support orders and the factors which have caused the particular orders to be made. Then we should be interested in ascertaining the variation or deviation from the "average" which exists in particular cases.

B. *Income of the Respondent*

It would seem reasonable that the single most important factor in determining the size of a support order should be the income of the parent charged with the duty of support. Although mothers and fathers have an equal duty to support their children, and although URESA specifically ap-

14. See section D of the text, *Attorneys, infra*.

15. This should not surprise judges who have been involved in trials of URESA cases. Perhaps it is no worse than the comparable rate in other cases, but it is a sad commentary of the efficiency of the court system. Considerable time and effort was expended by court personnel, attorneys, and parties, while no results were obtained. Each case had been set by the District Attorney's Office for hearing, the respondent had been served, court personnel had checked out the court file and secured a computer printout of all past payments made by the respondent through the Denver District Court. The case had appeared on the docket on the hearing date, thus crowding out other possible cases. Each case probably had been called by the judge and both a minute order and a written order prepared, all of which showed that nothing particularly significant had occurred on the trial date. Subsequently, the files had to be returned to the proper storage areas.

16. The average order per case is based on all cases, including those in which there were four or five children.

plies to and is enforced against both parents, no single case appeared in this study in which a support order had been entered against a woman.¹⁷ Since all orders in this study were imposed upon fathers, this article will refer to the parent subject to a support order either as father or respondent.

It should be mentioned at this time that the income of the mother is not one of the factors which should be used to explain the variation in orders. In the first place, in slightly more than 60% of the cases studied, the children were on welfare, indicating clearly the mother's inability to support the children. More importantly, under URESA the *only* factors to be considered by the court are the needs of the children and the ability of the non-custodial parent to pay support.¹⁸ Normally it would be expected that children whose father makes \$2,000 per month would receive more child support than children whose father earns \$400 per month. The children of a father with more money are simply expected to be able to enjoy a higher standard of living. There is no reason to penalize children whose parents both work by not allowing them to receive appropriate support from both parents, so the support obligation owed by one parent should not be decreased by the earning ability of the other parent. In fact, the law requires that such a reduction not take place.¹⁹

This article now turns to an examination of the relationship between the income of the respondent and the size of the support order entered.

The net income of the "average" father included in the study, using only those cases in which some order was entered, was \$659.03 per month.²⁰ The "average" father would have paid 14.5% of his income (\$95.30) for the

17. The writer was involved in attempting to enforce some support orders entered against mothers, but these cases were rare. This is probably a reflection of the fact that, at the time of this study, it was still true that in most cases a woman was granted custody of her children when the parents were divorced. The mother, therefore, would have the responsibility of day-to-day care of the children, but she would not be ordered to make additional cash payments—to herself, in essence—for the benefit of the children. For interesting Colorado cases on the custody issue, see *Catron v. Catron*, 577 P.2d 322 (Colo. App. 1978); *Menne v. Menne*, 572 P.2d 472 (Colo. 1977).

18. *Vigil v. Vigil*, 30 Colo. App. 452, 453-54, 494 P.2d 609, 611 (1972). See also *County of Clearwater v. Petrash*, 589 P.2d 1370 (Colo. App. 1979).

19. *Vigil v. Vigil*, 30 Colo. App. 452, 453-54, 494 P.2d 609, 611 (1972). See also COLO. REV. STAT. § 14-5-125 (1973): "If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefore and subject the property of the obligor to the order." There is no provision in the URESA statute which states that the financial resources of the custodial parent are to be taken into account in setting the amount of the support order, as contrasted with the Colorado version of the Uniform Dissolution of Marriage Act which specifies that the financial resources of the custodial parent are to be considered. *Id.* at § 14-10-115(1)(b). The fact that an order of support entered as part of a divorce or dissolution proceeding is modified or nullified will have no effect on the URESA order. See *id.* at § 14-5-132; note 3 *supra*. In other words, a URESA support order is entered after consideration of different factors than those considered in establishing a support order as part of a dissolution proceeding. All payments made under any order, however, are credited to payments due under the URESA order. *Id.*

20. The average income was figured by adding the income of all the fathers whose income was known and dividing by the number of fathers. This computation did not include six of the cases used to determine the average order entered, since in these cases the amount of the order was available, but not the income of the father. In two of the omitted cases, the father's income was indicated as zero. It is not believed that use of this method caused any significant distortion in the data.

support of one child. Based on the actual support orders entered by the courts, an "average" father of two children would have paid 18.6% of his income (\$122.39) for the support of his two children.

By contrast, if the guidelines had been followed, a father with a net monthly income of \$635 would have paid 20% of his income (\$127) for one child and 34% of his income (\$215.90) for two children. So two children actually receive very nearly what the guidelines suggest for one child. The actual average order for two children is \$93.51 per month less than the guidelines suggest—a difference of \$1,122.12 per year. To put it another way, the average father paid only 56.7% of the amount recommended by the guidelines to support two children.

So much for the "averages." The facts of the real, individual cases are considerably more striking. As indicated at the beginning of this article, one father with a net monthly income of \$450 was ordered to pay \$120 per month (27% of his income) to support his two children. Another father netting \$900 per month was ordered to pay only \$50 per month total (6% of his income) to support two children. Both orders were entered by the same judge after a full court hearing. Neither order was the product of a stipulation between the parties. Clearly, there is dramatic variation in the orders of the specific judge involved.

When we look beyond the orders of any particular judge to consider all the support orders included in the study, there are even more dramatic contrasts. A father with a total net income of \$250 per month, for example, was ordered to pay \$60 per month for one child (24% of his income). A father making \$840 per month was ordered to pay only \$50 per month—\$10 less (only 6% of his income—to support his one child).

It is difficult to decide which are the most extreme cases. It could be, at the top of the percentage spectrum, the case in which a father with net income of \$625 was ordered to pay \$300, or 48% of his income, to support three children, or it could be the case in which a father with \$450 per month was ordered to pay \$150, or 33.3% of his income, to support only one child. Possibly, no one of these cases at the top seems extreme, since it would not be surprising to spend \$300 a month to raise three children or \$150 a month to raise only one child. The guidelines suggested approximately \$258 per month for the support of three children from an income of \$625 per month and \$77 per month for one child from an income of \$450. The \$300 per month order was slightly above the guidelines; the \$150 per month order was nearly twice what the guidelines suggested.

The orders at the low end of the percentage spectrum are harder to understand. Fathers with \$900 and \$874 incomes, respectively, were each ordered to pay \$50 per month total to support two children (5.6% and 5.7%, respectively). Fathers with incomes of \$1,342 and \$1,053, respectively, were each ordered to pay \$100 per month for one child (7.5% and 9.5% respectively). Fathers with incomes of \$840 and \$800 were each ordered to pay \$50 per month for one child (6% and 6.3% respectively). In contrast, a man with an income of \$300 per month was ordered to pay \$125 per month for one child (41.7%).

In an attempt to isolate the determinative factors that cause this variation, five additional aspects of each case were studied: the particular judge involved, the presence or absence of a private attorney for the respondent, the pattern of conduct by the district attorney's office, and the other relatively fixed living expenses of the respondent, and the season of the year in which the support order was entered.

C. *Individual Judges*

First, cases were broken down as to the judge who signed each particular order. Included were only those cases in which some order had been entered and in which at least the number of children and the father's income were known.

Table 3 sets forth the orders entered by Judge A;²¹ Table 4 lists the orders made by Judge B; Table 5 is the record of Judge C; and Table 6 indicates the type of orders made by the other judges who handled cases in which the minimum data was available.²² Judges A and B, the judges regularly assigned to domestic relations during most of the time frame included in the study, handled 43.5% and 40.6% of these cases, respectively. In other words, these two judges accounted for 84.1% of the cases. Judge C, who had extensive prior experience in the domestic relations division, accounted for only 7.2% of the cases. The other 8.7% of the cases were assigned to several judges, each of whom handled few such cases.

At a glance, it is clear that the range of variation in the orders of Judge A and Judge B is far greater than the range of variation indicated by the table for Judge C. This may be explained simply by the fact that more cases from each of these two judges were available for comparison. As more cases are studied, the chances of finding particularly high orders or particularly low orders would be expected to increase. Perhaps the variation can be explained simply on that basis.

Another explanation also is possible. It may be that Judge A and Judge B, assigned full time to domestic relations during the period of the study, had developed attitudes toward child support cases that were different than those of their brethren who were assigned to other divisions. Some, albeit slim, support is found for this theory by closer analysis of Table 6. Of the five judges included in Table 6, two were new judges just entering into full time assignment to the Domestic Relations Division. Those two judges, even during their first few months on the bench, were exposed to more child support cases than most other judges would see in a full year.²³ Thus, although

21. Although the data in the study was collected and analyzed by using the names of the actual judges involved, it would serve no useful purpose to use the names of the judges in this article. The article is intended to ascertain how the system itself works without regard to the personality of any particular individuals involved.

22. Normally, cases were handled by judges other than those assigned to domestic relations only when the domestic relations docket became so crowded on a particular day that cases were sent to other judges who had indicated a willingness to help.

23. The study includes few support orders from the new domestic relations judges, F and H, because of the time frame necessary to gather sufficient data. It was only necessary to include new support orders entered between Jan. 1, 1977 and Jan. 1, 1978. The contempt citation

the study itself would not indicate it, Judges F and H really should be counted as judges assigned full time to domestic relations. If their orders are removed from Table 6, the range of variation in orders becomes even smaller: from 25.6% of income to 41.7% of income, from a low order of \$125 per month to a high order of \$200 per month. Thus, if full time domestic relations judges are compared with judges from other divisions,²⁴ it is apparent that there are far more variations in the orders of full time domestic relations judges than in the orders of other judges. This may be simply a quirk of the small number of cases examined that were decided by non-domestic relations judges, but it could indicate something more.

Whenever possible, the deputy district attorneys who tried child support cases would mention to the presiding judge the amount of support which would be ordered under the guidelines. Clearly, if the guidelines had been followed, there would be no significant variation in the percentage of income ordered. It would be roughly 20% for one child and roughly 34% for two children. The non-domestic relations judges were probably made aware of the guidelines by the deputy district attorney. They may have felt somewhat bound by the guidelines; or they may have tended to rely rather heavily on the deputy district attorney's presentation in the belief that the deputy had, in fact, been exposed to far more child support cases;²⁵ or they may have been less sensitive to the factors which cause individual orders to vary so widely and to deviate so far from the guidelines.

Domestic relations judges may be less inclined to rely on the experience of the district attorney, since the judge himself has heard an equal if not greater number of child support cases. Because of his familiarity with the field, a domestic relations judge may be less hesitant to strike out on his own and make an order which seems appropriate to him in a particular case, regardless of the orders which have been entered in other cases.

If the data for this aspect of the study is valid and not simply a fluke caused by the small size of the sample, then the results are significant in considering a separate "Family Court." Presumably, if there is more variation in orders by judges who are assigned to domestic relations (usually for one year) than in the orders of other judges, there could be still more variation in the orders of judges who were assigned to a "Family Court" full time, year after year.²⁶ Another study would be necessary to verify whether, in fact, there is more variation by judges assigned to domestic relations. Then the policy issue could be faced as to whether such variation is desirable.

data, however, includes more cases handled by Judges F and H, because it was necessary to include contempt cases through Sept. 1978.

24. Judges from other divisions include Judge C (Table 5) and Judges D, E, and G (Table 6).

25. Judges who handled few domestic relations cases were more likely to ask for the recommendation of the deputy district attorney, as were judges newly assigned to domestic relations. After a judge felt more experienced in the area, however, he was less likely to ask or permit the deputy district attorney to make recommendations. A judge who worked with the same deputy week after week seemed to develop a need to maintain a separation between the bench and the District Attorney's Office—which was probably entirely appropriate.

26. If that thesis is true, the results obtained in a special "Family Court" might be even less predictable than the results now obtained in the domestic relations division.

Let us return to the records of the individual judges, particularly Judge A and Judge B. A glance at Tables 3 and 4 shows that for both judges there is tremendous variation in the percentage of income required to be paid for child support. It seems impossible to believe, after examining Tables 3 and 4, that the net income of the respondent was the crucial factor in determining the amount of child support. About the most that can be said is that no individual order was likely to be less than \$50 per month, no matter how many children were involved. No order in Judge B's courtroom was likely to be higher than \$150 per month, regardless of the number of children included in the order. Orders in Judge A's courtroom ranged as high as \$300 when three children were involved, but were unlikely to be more than \$150 when only two children were included. The average order and the average percentage of income were both somewhat higher when signed by Judge A instead of Judge B.²⁷

Perhaps the explanation for the variation in orders lies behind the data presented in Tables 3 and 4. Not all of these orders resulted from full trials. In fact, the majority of them did not. As in any other field of litigation, a settlement often was reached prior to the court date, so the order entered was the signed stipulation of the parties.²⁸ Such settlements were designated in the study as signed stipulations (hereinafter simply called stipulations). Many other cases were settled in the halls of the courthouse just a few moments before trial. Such settlements are designated as agreements at court. Only a minority of cases actually went to trial and were decided by the judge. When Tables 3 and 4 are revised to eliminate all stipulations and agreements at court, the results are as indicated in Tables 7 and 8.

Comparing Tables 7 and 8 with Tables 3 and 4, it is immediately obvious that the range of variation has, in fact, narrowed significantly. What has actually happened in decisions made by both judges is that the top part of the range has been eliminated. In fact, though he may have *approved* orders as high as 48% or \$300, Judge A has never himself made an order higher than 18.8% or \$150. Similarly, although Judge B *approved* orders as high as 33.3% or \$225, he never made an order higher than 26.6% or \$125. Thus, there is less variation among orders actually decided by the judges after a hearing in court, and the orders made after a hearing are significantly lower than the full range of orders approved by the same judges.

Several factors may be causes of this result. One of them may be the presence or absence of an attorney representing the respondent. In addition, the presence or absence of an attorney may have a significant impact on other aspects of the case. Let us, therefore, turn to an analysis of the impact on a child support case of the representation of the father by a private attorney.

27. The average for Judge A was \$130.07 per month or 20.5% of income; the average for Judge B was \$94.43 per month or 16.3% of income.

28. Such orders typically arose when the respondent or his attorney contacted the District Attorney's Office well before the court date and worked out an agreement, which was reduced to writing; signed by the respondent, his attorney, if any, and the deputy district attorney; and then submitted to the court for approval.

D. Attorneys

The absence of attorneys in the cases represented in Tables 7 and 8 is striking. In only one of the fifteen cases was the respondent represented by an attorney. The same general pattern holds true for all child support cases in this study. Clearly, private attorneys do not normally litigate child support cases.²⁹

Both the lay public and lawyers, unfortunately, would expect to find that lawyers stall the cases. That is indeed the fact. In 35.7% of the cases in the study in which nothing happened except a continuance to another date, the respondent was represented by an attorney. This is particularly significant considering the fact that private attorneys were involved in only 29% of the total cases studied. Thus, private attorneys, handling 29% of the cases, accounted for 35.7% of the total continuances. Many of these continuances were not the first made in a particular case. On the average, a case which was newly continued when picked up in the study already had been continued .75 times before if the respondent was *not* represented by an attorney. If the case was handled by an attorney, it had been continued .88 times before. So, to the surprise of no one, the study confirmed that cases are more likely to be continued from one trial date to another when the respondent is represented by an attorney.

Certainly attorneys do more for their clients than postpone court dates. They also keep the amount of the orders down somewhat, particularly when orders are analyzed as a percentage of the respondent's income. The average income of a respondent represented by an attorney was \$780.80 per month. The average income of a respondent not represented by an attorney was \$640.66 per month.³⁰ In those cases in which a support order was actually entered, however, the income gap between respondents with an attorney and respondents without an attorney widened: the average income of a respondent with an attorney was \$800.93 per month, while the average income of an unrepresented respondent was \$617.88 per month.³¹ The average sup-

29. There are probably two basic reasons for this. First, attorneys are more familiar with the possibility of settlement on the courthouse steps and are better able to catch the attention of the deputy during the moments before trial. Attorneys, almost in a flock at times, follow the deputy around during the hour or so before the cases are heard, insisting on being given the opportunity to negotiate. Although any deputy would be willing to negotiate with a respondent appearing pro se, the individual respondents usually are not quite so persistent as attorneys.

The second reason attorneys try fewer cases is probably a reflection of their case loads and their familiarity with the judges and deputies involved. Basically, an attorney usually cannot afford to litigate a URESA case: his fee simply is not large enough to justify that much court time. In addition, knowing the judge and D.A. involved, the respondent's attorney is in good position to make a realistic offer which is likely to be accepted.

30. This figure was obtained by using all 135 cases included in the study, except the one case in which it was not determined whether the respondent had been represented by an attorney. The average income of respondents represented by attorneys was computed using all cases in which an attorney was involved. If the same case appeared more than once in the study, the data for him was used only once.

31. This may indicate that attorneys are relatively successful in accepting only those clients who will be able to pay, or it may mean that only those respondents who think that they could pay an attorney seek a lawyer's services. A respondent with a net income of \$1,000 per month, however, chose not to be represented by an attorney, while a respondent with a net income of \$445 per month was represented by an attorney.

port order for a respondent with an attorney was \$116.09 per month (14.5% of income) while the average order for the unrepresented respondent was \$132.56 per month (21.5% of income). Again, this finding should not surprise either lawyers or laymen, but it should be of concern.

What is somewhat surprising is the number of cases handled by an attorney in which data on the respondent's income was not available either in the court file or the file of the district attorney. *In 41% of the cases handled by an attorney, there was no data in the files on the respondent's income.* In only 5.2% of the cases in which the respondent was unrepresented did the files lack income data.³² Are the experienced child support private attorneys consciously avoiding having the court or the district attorney know the exact monthly income of their clients? Does an offer of \$100 or \$150 per month satisfy a busy judge or district attorney without regard to what the father might really be able to pay or the standard of living the child might have enjoyed if the parents' marriage had not ended?³³

If attorneys basically do not litigate, what do they do in child support cases, besides stall and keep the amount of the order down? The obvious answer is that they negotiate settlements, which they seem to do quite effectively. Seventy-six percent of the cases handled by an attorney in which some order was entered resulted in a negotiated settlement in contrast with 68.6% of such cases not handled by an attorney. Thirty-two percent of the cases handled by an attorney in which *some* order was entered resulted from a signed stipulation, meaning that the parties did not have to appear in court.³⁴ By contrast, 59% of the non-attorney cases were settled by signed stipulation.³⁵ The percentages for orders resulting from agreement of the parties at court show a dramatic reversal. Forty-four percent of the attorney-handled cases in which some order was entered resulted from agreements at court, whereas only 9.8% of the non-attorney cases resulted in such agreements.³⁶

Attorneys seem to do relatively well for their clients on these agreements. No respondents who had private attorneys entered into stipulations in which the support payment exceeded the guidelines. Twelve and one-half

32. Financial affidavits are always sent to the respondent, along with the summons and subpoena, in hopes that the affidavits will actually be filled out in compliance with the local court rules and thus expedite matters at trial.

33. An experienced domestic relations attorney probably has a very good idea of what amount actually may be ordered by a particular judge and what number is likely to seem acceptable to the particular deputy involved. *See* note 29 *supra*.

34. Signed stipulations are used only when there is sufficient time for mailing between the date on which the agreement is reached and the court date.

35. One factor which is important in this context is that a district attorney virtually never accepted an oral agreement from a respondent. There was simply no way in which a deputy could determine whether a man whom he had met once would keep his word. Therefore, as a matter of policy, all negotiations were reduced to writing and signed by both parties before they were considered to be agreements.

On the other hand, most attorneys involved in domestic relations work had established a reputation of credibility with the D.A. If the attorney and the deputy agreed to particular terms orally, on the day of trial or before, the attorney would not later attempt to change the terms; consequently, more stipulations were simply read into the record on the court date, thus appearing in the study as agreements at court.

36. The same factors mentioned in notes 29 and 35 *supra* were relevant here.

percent of the stipulations were below the guidelines by less than 10%; 12.5% were more than 10% below the guidelines. In 62.5% of the cases, the respondents' incomes were unknown. The comparable percentages for unrepresented respondents were 5.6% more than 10% above the guidelines, 13.9% above the guidelines by less than 10%, 8.3% within 1% of the guidelines, 22.2% less than 10% below the guidelines, 41.7% more than 10% below the guidelines, and 8.3% with income unknown.³⁷

The fact that the percentages for represented fathers are so similar in various categories may result from the fact that too few cases appeared in this category to make the data valid. Nevertheless, it is significant that the only time a father signed a stipulation above the guidelines is when he was not represented by an attorney. Perhaps those fathers who are basically willing to pay substantial child support simply come to the district attorney's office prepared to commit themselves to a high support order without putting up a fight.

Of all the cases in which agreements were reached at court, 64.5% were cases in which the respondent had an attorney.³⁸ Of these, none was above the guidelines,³⁹ 10% were within 1% of the guidelines, 50% were below the guidelines by less than 10%, and 30% were more than 10% below the guidelines. In the remaining 10% of the cases, the respondents' incomes were unknown. Comparable data for agreements made by unrepresented fathers indicate 16.7% were more than 10% above the guidelines, no agreements were within 1% of the guidelines, 16.7% were less than 10% below the guidelines, 16.7% were more than 10% below the guidelines, and 33.2% with income data unknown.

Again the percentages clearly show that there is not enough data on cases settled at court without an attorney to make the results particularly valuable. As with settlements prior to court, however, only unrepresented fathers reached agreements for amounts above the guidelines.

In summary, attorneys stalled cases, avoided litigation, frequently failed to disclose income data, settled 32% of their cases prior to court and 44% at court, kept the orders somewhat lower than the guidelines, and *never* allowed their clients to end up with an order *above* the guidelines. The presence of an attorney did, in part, determine how high a support order will be, but the range in attorney-handled cases was from 6% to 31.6% of a father's net income, with a low of \$40 per month for two children and a high of \$300 per month for two children. The presence of an attorney, therefore, does not explain why particular support orders are entered.

37. The guidelines per se are not controlling, but they do provide a means of comparing the payments ordered at various income levels.

38. Seventeen cases were settled at court: 11 by the respondent's attorney and 6 by the respondent himself.

39. In one of the 11 cases, a respondent who reportedly had no income was ordered to pay \$100 per month to support two children. Obviously this amount would be considerably above the guidelines. The order was probably entered because the parties believed the respondent's earning capacity was sufficient to enable him to pay \$100. Not knowing what that earning capacity was considered to be, it was felt that inclusion of data from this case would distort the accuracy of the remaining data.

E. *The District Attorney*

All URESA cases tried in the Denver District Court are handled by the office of the Denver District Attorney.⁴⁰ The district attorney is involved in every case from beginning to end. A respondent who is served with a summons and subpoena also receives a letter at the time of service suggesting that he contact the district attorney to discuss possible settlement and advising him that he may bring a lawyer of his choice with him.⁴¹ In 41.9% of the cases in which some order was entered, the respondent and the district attorney reached an agreement prior to the court date, which was then reduced to a signed stipulation to be approved by the court. In the writer's experience, not once was a signed stipulation disapproved by the judge,⁴² so the agreement between the district attorney and the respondent became binding.

When respondents were represented by an attorney in negotiating with the district attorney, neither the signed stipulations nor the agreements at court were above the guidelines. When respondents are not represented by an attorney, the orders may exceed the guidelines. The presence of an opposing attorney seemed to keep the district attorney somewhat in check.

It is clear, then, that what the district attorney does when an opposing lawyer is present should be distinguished from what happens when there is no opposing attorney. The average order for a signed stipulation when an opposing attorney was present was \$105 per month or 13.2% of the respondent's income. When there was no attorney, the average order resulting from a signed stipulation was \$143.31 or 22.9% of respondent's income.⁴³ The range of support amount when the respondent was represented was 6% to 31.6% or \$40 to \$300 to support two children. Without an attorney, respondents paid 5.7% to 52.9% of his income; or \$50 to \$250 to support two children, or \$640 to support five children. The range of variation when there was a signed stipulation, even when a respondent is represented, is thus decisively larger than the comparable range of orders entered by regular child support judges in a contested hearing, whether or not an opposing attorney is present (the ranges for Judge A and Judge B were 10.5% to 18.6% and 5.6% to 26.6%, respectively). The range of variation found in orders pursuant to a stipulation reached without an opposing attorney present is larger than any other range found. The district attorney's office, which is involved with every URESA case in Denver, tolerated more variation in orders reached by agreement than either the judges or the private bar.

The district attorney, on the average, also secured higher orders. The average order when an agreement was reached entirely by the district attorney and the respondent by signed stipulation was \$143.31 per month. If a private attorney was involved and the case settled by signed stipulation, the average order was \$105.00 per month. If the case was settled at court by a private attorney, the average order was \$96.67. If the case went to trial and

40. See note 3 *supra*.

41. To date, attorneys have not been appointed in URESA cases.

42. The experience covered approximately three years, including the time period of this study, but was on a part-time basis, handling only one day of hearings per week.

43. These figures include only the cases in which some order was entered.

the respondent was represented by an attorney,⁴⁴ the average order was \$114.00 per month. If the respondent went to trial pro se, the average order was \$100.12 per month. The best bet for a respondent seems to be to have an attorney negotiate an agreement at court.⁴⁵ His next best option is to go to trial pro se. His third best alternative is to hire an attorney to negotiate for him prior to the court date. He should go to trial with an attorney only if necessary. At all costs, he should avoid negotiating alone with the district attorney.

Remembering that the people represented by attorneys did in fact have a higher average income, let us compare percentage of income for the five possible routes.⁴⁶ The average percentage of income paid by a father who reached an agreement directly with the district attorney was 22.9%. If the father was represented by an attorney in reaching a signed stipulation, the average order was 8.7% of income. When cases were settled at court by the respondent's attorney, the average order was 12.3% of income. When private attorneys took cases to trial, the average award was 14.5%. If the respondent went to trial pro se, the average award was 17.0%. Here there is a slight change. If the respondent is primarily concerned with paying as small a percentage of his income as possible, his best routes, in order, are: negotiation by an attorney prior to court date, negotiation by an attorney at court, trial with an attorney, trial pro se, and negotiation directly with the district attorney.

Using either method of analysis, a respondent was in greatest jeopardy dealing directly with the district attorney. The district attorney seems to secure the lowest orders in terms of dollars by reaching a settlement at court with a private attorney and to secure an order for the lowest percentage of income when he negotiates a signed stipulation with an opposing attorney. The district attorney clearly did best if he negotiated privately with an unrepresented respondent.

The variation in cases handled entirely by private negotiation between the district attorney and the respondent is the largest range of variation of any segment of this study. It would appear that the greater the relative "power" of the district attorney, the greater the variation which will result among individual orders; yet the presence of the district attorney alone cannot fully explain the variation in orders.

This article will now discuss the fifth possible explanation—the impact of the relatively fixed living expenses of the respondents on the amount of the order.

44. Keep in mind that, as indicated in note 29 *supra*, few cases actually go to trial when a respondent is represented by an attorney.

45. Clearly the success of this strategy depends on the cooperation of the deputy district attorney. The lawyer must be prepared to go to trial, and the respondent must be prepared to pay him to do so; but the respondent seems to secure a better result, from his point of view, if the case is not actually heard and decided by the judge.

46. See notes 30 & 31 *supra*.

F. *Relatively Fixed Living Expenses of Respondent*

The two most common relatively fixed living expenses are car payments and housing payments. Both are somewhat flexible in amount, but most people are in fact making some regular monthly payments for both a car and housing. As in other areas of this study, not all the relevant data was available for every case. In many cases, neither the court file nor the district attorney's file included data on either car or housing payments. In 48.8% of the cases in which some support order was entered, data was available on either car or housing payments or both.

In those cases in which both car and housing payments were known, the average combined payment was \$332.45 per month. In those same cases, the average support order was \$130.48 per month, 39.2% of the total combined average car and housing payments. The support order was equal to 20.5% of the respondent's average monthly income of \$638.04, while his car and housing payments represented 52.1% of his monthly income. The average order was for the support of 1.6 children.⁴⁷

Since car payments may be less fixed than housing payments in that it is possible to do without a car, it may be of interest to compare car payments with child support payments. The average car payment was \$136.97 per month. The average support payment of the same fathers was \$113.59 per month. In only 33.3% of the cases was a father ordered to pay more to support his child or children than he paid for his car. In general, such orders resulted from agreements at court. In only one out of five cases at trial did the judge enter a child support order higher than the car payment.

Again, individual cases were quite interesting. One man, paying \$250 per month for his car, was ordered to pay \$80 per month for the support of his child. Another man, paying \$211 per month for his car, was ordered to pay \$100 per month for the support of his two children from a net income of \$1,000 per month. Both orders were entered as a result of signed stipulations.

It seems clear that support orders will generally be lower than car payments. The range of variation of support orders as a percentage of car payments is from 6% to 319.1%. The comparable range of variation between support orders as a percentage of combined car and housing payments is 13.8% to 68.2%. Clearly, support orders were more closely correlated with combined car and housing payments than with car payments alone. However, the variation is so great that the relatively fixed living expenses of respondents do not adequately explain the variation in orders.

G. *The Season*

Most practicing attorneys are aware that relatively little gets done in court—or elsewhere—during the latter part of December. Everyone is sim-

47. This number is based only on data from those cases in which both the car and housing payments were known. The fact that it correlates so well with the average number of children in all the cases involved indicates that the cases in which car and housing payments are known are probably representative of all the cases.

ply too interested in getting ready for the holidays. There appear to be other, generally unperceived, effects of season on legal proceedings.

Table 9 illustrates the breakdown of support orders by month. The percentage of income ordered for support is strikingly lower during November and December than during the other months. This could be because fathers' expenses tend to be particularly heavy during those months, and both the court and the district attorney may tend to accept lower orders in November and December, despite the fact that the order will be applicable for the entire year.⁴⁸

Another interesting factor which emerges from Table 9 is the decided decrease in activity during July. Perhaps the combined effects of judge, district attorney, and private attorney vacations during the summer have more impact on case activity than the recognized December holiday period.

Since all the data collected in this study pertains only to one calendar year, it is impossible from this study alone to make a valid analysis of seasonal patterns. Certain patterns seem to emerge from the data. Further studies are necessary to determine the validity of these apparent patterns.

H. *Conclusions on Establishment of Support Orders*

It is clear that whether the order is entered by stipulation, by agreement at court, or by the judge, there is wide variation among the percentages of income being paid by the respondents. The greatest variation is found in stipulations reached between the district attorney and respondents not represented by an attorney. The least variation is found in orders entered by judges not usually assigned to domestic relations.

The highest orders tend to be entered either when the respondent bargains alone with the district attorney or when a non-domestic relations judge decides the case. When a respondent is represented by an attorney, his order tends to be lower—as long as the case does not actually go to trial.

Two-thirds of the fathers are ordered to pay less to support their children than they do for their cars.

There may be some seasonal variation in orders, with orders entered in November and December being substantially lower than orders entered during the rest of the year and generally less activity on the cases in July.

No one of the six factors analyzed in this study really explains why one father with an income of \$900 monthly pays \$50 per month to support two children while another father, who has a \$450 monthly income, pays \$60 per month to support two children.

When all the cases are considered together without regard to any of the six possible distinguishing factors, only 2.4% of the orders were for less than \$50 per month, and only 5.9% of the orders were for more than \$250 per month. Eleven and nine-tenth's percent of the orders were for \$50; 10.7% of

48. Living expenses are higher in November and December because of heating bills, but the financial crunch felt by many people prior to the holiday season may well be an additional factor.

the orders for \$75; 15.5% for \$100; 16.7% for \$150. In sum, 54.8% of the orders were for one of these nice round figures.

The study, though indicating the relative amount of variation found in various aspects of the process by which a support order is established, did not isolate what objective factors, if any, actually caused the amount of a particular order to be set at a particular number. It was the impression of this author, while working on child support cases for the district attorney, that the objective factors were not the most significant factors in the establishment of child support orders. Rather, the particular attitudes of judges, district attorneys, and private attorneys toward each other and toward the individual respondent seemed to be most decisive.

Would it not be far more just to a father for his child support order to be determined primarily in accordance with objective standards? Is not the major difference between respondents really the net income that each has? How can reliance on personality factors be justified, particularly when the beneficiaries of the child support orders, the children, are never before the court?⁴⁹ Presumably, if the judges, district attorneys, and private lawyers involved with child support cases met the mothers and children who initiated the support proceedings in other states, they would be affected, favorably or unfavorably, by the personality or particular financial circumstances of the petitioners. Is it fair to permit subjective factors to be determinative when only one party is before the court? Would it not be far more just to establish objective guidelines for establishment of child support orders, at least in URESA cases?

II. FAMILY AND WELFARE CONSEQUENCES OF SUPPORT ORDERS

In 48.8% of the cases, the URESA order was for the benefit of only one child. In 36%, the URESA order was for two children. Thus, in only 15.2% of the URESA cases was there an order for the benefit of more than two children. However, 19.2% of the respondents also had children in a second family to support. Forty-five and eight-tenths percent of the second families contained only one child; 37.5% of the second families contained two children; and 16.7% of the second families contained more than two children. The average number of children included in a URESA order was 1.7. The average total number of children supported by a URESA respondent was 2.1. Thus, fathers subject to URESA orders did not seem to have significantly more children than parents generally.

The average age of the oldest child in a URESA family was 10.2; so URESA does not seem to be used primarily for the benefit of children of short marriages.⁵⁰ The age of children named on URESA petitions ranged

49. The petitioner and the children are represented before the court only by a deputy district attorney, who in nearly all cases has never seen, or been in personal contact with, the people he represents. *See* note 3 *supra*.

50. The marriages may have been stormy, or they may have been short; however, in most cases a URESA petition is filed within a year or two after dissolution of the marriage. It should be noted, moreover, that there is no requirement that the respondent have ever been married. The only issue is whether the respondent is the father of the children and, therefore, owes them a duty of support.

from one to eighteen.⁵¹

Most children for whom URESA cases are brought are receiving welfare. Of the total number of cases included in the study, 60.2% of the children were receiving welfare; 39.8% were not. Although URESA is available to both welfare and non-welfare recipients, welfare departments tend to file more URESA cases and to persist in prosecuting them.⁵²

In those cases in which a support order was entered and the amount of welfare was known, 76% of the support orders were for less than the amount of welfare. In 16% of the cases, the support ordered was enough to get the children off welfare. In 8% of the cases the support order was exactly the same as the amount of welfare being paid. Thus, in 76% of the cases, the children remained on welfare after the order was entered.

The fathers of welfare recipients were neither outstandingly rich nor extremely poor. On the average, they had a net income of \$594.75 per month; a net income, after taxes, social security, union dues, etc., of \$7,137 per year.

Of course, some respondents had a higher income. One man with net income of \$874 per month (\$10,488 per year after taxes) was ordered to pay \$50 per month (\$600 per year) to support two children. The taxpayers in the state of the children's residence were contributing \$258 per month (\$3,096 per year) for the support of the two children.

At the other end of the spectrum was a father with a net income of \$450 per month (\$5,400 per year) who was ordered to pay \$150 per month (\$1,800 per year) to support one child. The taxpayers were paying almost an equal amount (\$1,872 per year) for the support of his child. If the man with net annual income of \$5,400 actually makes the support payments ordered, his child will probably be off welfare. The children of the man with the net income of \$10,488 per year probably will continue to be supported primarily by the taxpayers.

III. ENFORCEMENT OF SUPPORT ORDERS

How well are payments really made under support orders? Do men with low orders and high incomes tend to be more dependable in making

51. An occasional petition came through for the benefit of a child not yet born. In addition, some questions arose as to whether a respondent was liable for support of a child 18 or over who would have been considered emancipated under the laws of his home state. It was the position of the Denver District Attorney's Office that the state law of the responding jurisdiction was to be applied in such situations, and that Colorado law requires a parent to pay support for his child until the child reaches 21 or is otherwise emancipated. *See* COLO. REV. STAT. §§ 2-4-401, 14-5-105 (1973); *accord*, *Wilkinson v. Wilkinson*, 585 P.2d 599 (Colo. App. 1978); *In re Marriage of Weaver*, 571 P.2d 307 (Colo. App. 1977).

In re Marriage of Fetters, 584 P.2d 104 (Colo. App. 1978) provides an interesting case in which respondent's daughter was held to be temporarily emancipated during her voidable marriage. When the marriage was annulled, the respondent was obligated to resume child support payments.

52. In many cases, it takes three months or more for a URESA case to reach its first court hearing after the initial petition is filed. There may then be repeated delays which may become so burdensome to an individual petitioner that she simply gives up on attempting to secure support under URESA.

payments? Is the size of the original order a factor in enforcement? Are the ages of the children or the fathers' incomes factors? What methods of enforcement, if any, seem to be most effective?

An attempt will be made to answer these questions. First, a caveat is in order. The enforcement part of this study includes only problem cases, those in which the father did not pay as ordered. The primary means of enforcement in such a case is to cite the father for contempt of court for failure to obey the court order. After a court hearing, the father may be found in contempt of court and ordered to pay a fine or serve a jail sentence.⁵³

The factors relevant in determining whether a man is in contempt of court are numerous. Many of them are also difficult to quantify. For example, when a support order is established, the income of the father and the number of children to be supported are almost always easily ascertainable and appear as part of the court records. In a contempt case, however, many of the significant factors will not appear in the record.

A father's attitude toward payment of support is crucial in a hearing on a contempt citation.⁵⁴ The willfulness of a failure to pay is usually ascertained in large part by the demeanor and attitude of a respondent in court. It might be clear to everyone in the courtroom that a father had no intention of paying child support under any circumstances, but there would almost never be a specific finding of that mental attitude in the order of the court. The mental attitude of the respondent, which plays a very large role in contempt citation cases, has not been included in this study.

Another important factor which has been omitted from the study of contempt citations is the background financial situation of the respondent. While, the current income of the respondent frequently was available,⁵⁵ and some attempt was made to determine whether the respondent's employment had been relatively steady,⁵⁶ actual periods of unemployment, unexpectedly large medical bills, and unusual financial crises of other kinds did not appear in the court records. Therefore, such matters, recognized as highly significant on a contempt citation, have not been included in this study.

It is in the field of contempt citations that the individual wisdom and discretion of the judge are most important. It should be recognized that a

53. See COLO. REV. STAT. § 14-5-127 (1973).

54. See *Marshall v. Marshall*, 35 Colo. App. 442, 445-46, 551 P.2d 709, 710 (1976). In order to find a father guilty of contempt of court, the court must find that he knew of his obligation to pay support under the court order, and that he had an ability to pay all or part of support ordered. Therefore, a man who is unemployed or who simply did not have the financial ability to pay support would not normally be held in contempt of court. The only cases in which an unemployed person might be held in contempt of court are those in which the court finds that the unemployment itself is willful.

55. The availability of this information depended in large part on the willingness of the respondent to fill out the financial affidavit forms which were supplied to him prior to the court hearing. In addition, at the hearing itself, the deputy district attorney would undoubtedly ask the necessary questions to ascertain the current income of the respondent as part of the crucial proof necessary to find the respondent in contempt.

56. In some files a pattern of intermittent employment was clear. Frequently, the files of construction workers or day laborers hired on a temporary basis would show a pattern of such employment. In many cases, however, it simply could not be ascertained conclusively whether a father's employment had been steady.

judge is usually in the position of enforcing an order made by another judge. Since new judges rotate into the Domestic Relations Division of Denver District Court each year, it is unusual for a judge to be asked to enforce one of his own orders.⁵⁷ If a judge personally believes that an order for one child should be approximately 20% of the father's income, he may have difficulty enforcing an order for 48% of income. Furthermore, a judge has no authority to change the amount of a child support order as part of a hearing on a contempt citation.⁵⁸

Recognizing the problems inherent in a study of contempt citations, let us return to the initial questions posed at the beginning of this section: Do men with lower orders pay better? Is the age of the children a significant factor? What sort of enforcement seems to work best?

A. *Size of the Original Order*

When a case comes before the court on a contempt citation, it means that something is wrong. Either the order was too high to begin with, the respondent has had unexpected financial difficulties, or the respondent simply does not intend to comply in full with the order. The unexpected financial difficulties of the respondent and his personal attitude do not appear in the court records; therefore, these factors are not part of this study. The size of the order, however, is readily available for consideration.

Rather striking results were obtained when the cases included in this study were analyzed on a purely financial basis. First, it was determined what percentage of a man's income he was ordered to pay for child support, based on his income at the time the order was entered. Then this data was further broken down as to what percentage of income on the average was ordered for the support of one, two, or more children. The percentages were 12.1% for one child, 19.0% for two children, 27.1% for three children, 25.6% for four children, 33.4% for five children, and 30.6% for six children. This compares with 1977-78 orders which averaged 14.5% for one child and 18.6% for two children. In the study of 1977-78 support orders, there were not enough families with more than two children to make the data for larger families significant.

The fact that the average percentage of income represented by orders for one child in 1977-78, 14.5%, is larger than the average for the contempt cases, 12.1%, may indicate either of two things. First, it may indicate that cases do not become problems requiring enforcement through contempt citations merely because the orders are too high. The majority of support orders do not require constant enforcement.⁵⁹ Furthermore, the average order

57. Of the 133 cases included on Tables 13, 14, 15, and 16, in only 12 instances was the enforcement action taken within one year of entry of the original order.

58. COLO. R. CIV. P. 107(c)-(d) indicates the extent of the hearing to be held on a contempt citation. Modification is an entirely separate issue.

59. For the calendar year 1977, 574 new cases were brought before the Denver District Court on petitions for a support order, and only 266 contempt citations were brought before the court. Since contempt citations may be brought in any case in which a support order previously has been entered, it seems clear that in most cases the respondent is not brought before the court after the initial support order has been entered.

seems to be as high or higher than the orders requiring enforcement. Second, the comparison could indicate that enforcement is particularly difficult for the 1977-78 orders, the time frame of the study, or that any order near or above 12.1% is hard to enforce. It seems unlikely, however, that the orders of 1977-78, on the average, were substantially higher than orders for any other year.⁶⁰

When the percentages of income ordered for the support of two children in the 1977-78 cases (18.6%) and the contempt citation cases (19.0%) are compared, there does not seem to be a significant difference. Evidently, orders in this range have at least their share of problems in enforcement.

There was, of course, a variation in the number of orders which fell into any particular percentile group. Fifteen and one-tenth percent of the orders were for less than 11% of the respondent's income at the time the order was made. Forty-one and five-tenths percent of the orders were for amounts between 11% and 20% of the father's current income. Twenty-six and four-tenths percent of the orders were between 21% and 30%. Thirteen and two-tenths percent of the orders were between 31% and 40%. Only 2.8% of the orders were between 41% and 50%. The highest single order, in terms of percentages, was for 50%, ordering a salesman to pay \$250 per month for the support of his two children from a commission averaging \$500 per month. The original support order was less than a year old when the case came to court on a citation. At that time it was continued by agreement of the respondent's attorney and the district attorney to allow time for the respondent to make payments on \$1,250 in arrears.

The over all average percentage of order to income on cases brought before the court on contempt citations was 20.5% (\$117.94).⁶¹ The income of respondents seems to be higher at the time of the citation than it had been at the time of the original order. The average monthly income of respondents at the time of entry of the orders was \$593.27. At the time the orders were before the court for enforcement, the average income of the respondents had increased to \$763.73 per month—an increase of 28.8% during a time when the amount of the orders stayed fixed.

What sort of jobs do respondents in child support cases hold? Are they all relatively low income people with seriously fluctuating income? The answer appears to be that people from a large spectrum of employment have problems paying child support. The respondents included an engineer, a mortgage banker, a contract administrator for an aircraft company, police officers, truck drivers, retired military men, an entertainer, a deputy sheriff, a United States Air Force sergeant, clerks, janitors, typists, gas station attendants, bartenders, butchers, shoe salesmen, carpenters, painters, welders, shop foremen, bakers, and many others. In fact, from the wealth of occupations,

60. The author's experience did not indicate any such variation in the orders for the time period included in this study. In addition, the fact that the guidelines have remained unchanged for such a long time is some indication that there probably has not been any dramatic shift in the amount of support ordered by the Denver District Court.

61. This percentage is below the maximum ordered in any of the situations analyzed, but it does approach the upper limit of the orders entered by experienced domestic relations judges after trial at court.

it was difficult to come up with any particularly appropriate categories.⁶² The following categories were chosen, however, to illustrate the variety of occupations. Seven percent of the respondents were white collar workers. Missionaries, truck drivers, and retired military persons each accounted for 1.4% of the respondents. Professional persons and supervisory personnel each made up 2.7% of the sample. The self-employed were 4.1%. Salesmen, skilled workers, and the unemployed each constituted 4.8% of the group. Next came unskilled workers with 6.1% and government workers with 6.8%. Finally, 17.6% of the sample were employed with the particular job unknown, and the employment situation of 40.7% of the respondents was unknown. Perhaps, in a larger study, particular employment patterns might emerge, but in this study the large variety of occupations seemed to be the significant finding.

It would not appear, then, that people with certain kinds of jobs have significantly more difficulty in paying child support than others. One thing that does seem to distinguish respondents in contempt citations from other people under child support orders, however, is the size of their families.

B. *Family Considerations*

The average respondent in a new support order was ordered to pay support for 1.7 children.⁶³ That same father, on the average, was supporting .4 children in a second family, for a total of 2.1⁶⁴ children. In the problem support cases brought to court on citations, the average respondent was supporting 3.4 children, 2.2 in his first family, for whom the support order was made and 1.2 in his second family. The average size of a respondent's second family in a contempt citation case was therefore approximately three times as large as the average second family for the respondents on new support orders, 1.2 compared with .4 children.

The difference is even more striking considering that almost none of the families for whom a new support order was entered contained more than two children. By contrast, in those cases which were brought before the court on a citation, 38.1% of the original families had one child; 25.9% had two children; 21.1% had three children; 7.5% had four children; 5.4% had five children; and 2.0% had six children. The range for children in the respondent's second family was comparable.⁶⁵ The respondents who seemed to have

62. Ruth Bennett and Mona Goodwin, law student assistants who collected the data for this study, simply wrote down the best description of the respondents' employment which could be obtained from the file of the district attorney; e.g., cab driver, janitor, stock clerk, salesman. Robert Truhlar, law student assistant who coordinated all the data collected, chose 14 representative categories and determined in which category each particular occupation should be placed. The categories selected were employed, job unknown; government worker; missionary; professional; retired military; salesman; self-employed; skilled; supervisory; truck driver; unemployed; unknown; unskilled. In a larger study, these categories might be further refined to plumbers, electricians, janitors, etc. However, in this study the number of cases involved was simply too small to justify more specific categories.

63. See *Family and Welfare Consequences of Support Orders*, Part II of the text *supra*.

64. *Id.*

65. Although 47.2% of the second families had no children, 9.4% had one child, 28.3% had two children, 5.8% had three children, 1.9% had four children, 5.8% had five children, and one family (1.9%) was reported to have nine children.

more trouble paying child support also seemed to be the fathers who had larger families. No guess will be hazarded as to which is cause and which is effect.

The children of a respondent cited for contempt seemed to be somewhat older than the children involved in a new support order.⁶⁶ The average youngest child of a respondent cited for contempt was 10.5 years old; the average *oldest* child was 13.1 years old.⁶⁷ Since the average time between entry of a support order and a citation for contempt was 2.9 years, the age of the children seems to indicate nothing more than the passage of time between the entry of the order and enforcement.

It is interesting to note how old some of the children were. In the cases in which there had been two or more contempt citations, the average age of the youngest child is 12.8 years; and, in 37.9% of those cases, the *youngest* child is 16 years of age or older, as indicated by Table 10. It appears that as children near the age of emancipation their mothers realize that chances of collecting past due child support will be even slimmer after the children leave home. In fact, the debt of past due child support continues after the children become emancipated,⁶⁸ and it is not dischargeable in bankruptcy.⁶⁹ Mothers, probably correctly, seem to think that courts will not be overly enthusiastic about enforcing child support orders after the children are grown.⁷⁰

The data in this study, in contrast to the data in other studies,⁷¹ does not indicate that men pay less well as their children get older. Although that may be the case, there simply was not a significant gap between the average age of the youngest child in the new support cases and the average age of the youngest child in citation cases.

C. *Methods of Enforcement*

Probably all judges and all attorneys involved with child support cases, not to mention the parties, would like to know what methods of enforcement work best. David Chambers has suggested that a self-starting enforcement procedure and a high jailing rate are the most effective combination.⁷² Den-

66. See *Family and Welfare Consequences of Support Orders*, Part II of the text *supra*, indicating that the average age of the *oldest* child on a new support order is 10.2 years.

67. These numbers were obtained by using the data from all citation cases, including duplicates.

68. See *Beardshear v. Beardshear*, 143 Colo. 293, 352 P.2d 969 (1960) in which the Colorado Supreme Court stated that "mature installments in a divorce decree are final judgments." 143 Colo. at 296, 352 P.2d at 970. Moreover, "the payments in question are, under our practice, considered final and not modifiable." 143 Colo. at 297, 352 P.2d at 971.

69. 11 U.S.C. § 35(a) (1976) provides that "[a] discharge in bankruptcy shall release a bankrupt from all of his provable debts . . . except such as . . . (7) are . . . for maintenance or support of wife or child." See, e.g., *Hylek v. Hylek*, 148 F.2d 300, 302-03 (7th Cir. 1945).

70. In court hearings, when a judge becomes aware that the children of the respondent are now emancipated and supporting themselves, his order for repayment of the arrears is likely to be set at an extremely low level.

71. See, e.g., Conti, *Child Support: His, Her, or Their Responsibility?* 25 DE PAUL L. REV. 707 (1976).

72. *U-M Researcher Studies Child Support System*, 22 L. QUADRANGLE NOTES 1 (Winter 1978) discussing the five year study undertaken by Professor David L. Chambers at the University of Michigan Law School.

ver has neither.

The Denver District Attorney's Office, which initiates the issuance of all contempt citations in Denver URESA cases, has no method of checking on a routine basis to determine whether a respondent is paying.⁷³ The only time a citation is issued is when the intended recipient of child support complains to the district attorney. When such a complaint is made, the pay record of the respondent is called up on the computer, and a citation is prepared if the respondent is significantly behind. Usually, a respondent will need to be at least two months behind before the court mechanism will be geared up for a citation. Occasionally, when a citation does not seem necessary, one of the deputy district attorneys in the child support division will send a letter to the respondent or call the respondent's attorney. As a general rule, no action is taken until the situation seems to be serious enough to warrant a citation. If the intended recipient of child support does not complain, the father can stop paying entirely, and nothing will happen.

The second effective factor in enforcement, a high jailing rate, also is lacking in Denver. In the 152 contempt citation cases studied, only one respondent was sent to jail for failure to pay child support. Clearly, Denver does not have a high jailing rate. Occasionally, however, a respondent in Denver is threatened seriously with jail. In six cases, 3.9% of the total, a respondent was sentenced to jail. The sentences were then suspended on the condition that the respondents begin to make payments.

No particular judge in Denver seems to be more reluctant to send a father to jail for failure to pay child support than any other judge. In fact, Table 11 indicates that there is really only one judge in Denver who will consider such a tactic, at least among the ten judges who handled some contempt citations during the period of the study. Only 4.6% of the respondents were seriously threatened with jail, which does not constitute a high rate. A man appearing before the Denver District Court on a citation, in fact, has an extremely small chance of going to jail.

The enforcement method most commonly used in Denver seems to be repeated issuance of citations. On the average in the survey cases, .96 prior citations had been issued. Fifty-two and six-tenths percent of the respondents had received no prior citations, 25.8% had received one prior citation, and 21.6% had received two or more citations. Some respondents had received as many as seven prior citations, but in most instances the record was not nearly that bad.

This does not mean that the respondents were particularly good about paying, though the record is certainly not as bad as it might be. The average respondent, when cited for contempt, appeared to be \$1,760.90 behind in his payments, based only on the amount owed under the Denver support order.⁷⁴

Within the ten days before their court appearances, 26.8% of the re-

73. Additional staff simply does not seem to be available to add this task to the tasks already undertaken by the existing child support staff.

74. Additional arrearages may be owed in other states and are frequently alleged on a petition for support when the action is initiated in the Colorado courts. Because proof is not

spondents made some payment. Checks for .8% of such payments bounced. With the exception of the occasional check that bounced, at least some money seemed to be collected simply as a result of initiating court action. A few respondents paid the accrued arrears entirely before the court date.⁷⁵ Whether the cost of this form of collection is appropriate is an issue that is beyond the scope of this article.

Table 12 indicates the type of case in which a payment typically was made within ten days before the court hearing. The success of such a tactic seems unquestionable: in 44.1% of the cases in which a respondent made a payment ten days before the hearing, the contempt citation was then dismissed, despite the average continuing arrears of \$1,282.14 in those cases. Private attorneys seem to be aware of the efficacy of this practice, since 33.3% of such payments were made by fathers represented by attorneys, even though private attorneys handled only 22.7% of the total cases included on Table 12.

One effective means of enforcement, then, seems to be the mere issuing of a contempt citation and setting it for hearing. Perhaps if a procedure could be developed in the district attorney's office to check payments and initiate contempt citations on a regular basis, this means of enforcement could be even more effective. A man might be more inclined to make prompt support payments if he were aware that after missing payments for three consecutive months he would be cited for contempt of court. At least, based on this study, 26.8% of the respondents would make some payment within ten days of the date the case was set to go to court.⁷⁶ Such a system seems to have worked effectively in Michigan.⁷⁷

There are some distinct advantages to a self-starting, automatic system and some crucial disadvantages. The chief advantages, in addition to securing more frequent payments, are that the court would appear to be serious about its orders,⁷⁸ and that the burden would no longer be placed on the individual petitioner to request enforcement by the district attorney's office.

There is a definite problem when enforcement depends on the individual request of the person for whose benefit the order is made.⁷⁹ Enforcement then becomes just another negotiating tool between two people who generally are not getting along very well anyway. A mother may threaten to have a contempt citation issued if a father insists on exercising his rights to visit his children, although the law clearly provides that visitation and child support payments must be treated as separate issues.⁸⁰ Occasionally a mother who wants her second husband to adopt the children of her first marriage apparently will use the threat of a contempt citation as a way to force the

readily available on arrearages alleged in other jurisdictions, this study made no attempt to ascertain how much money may be owed under court orders in other jurisdictions.

75. See Tables 12 through 16.

76. *Id.*

77. See *U-M Researcher Studies Child Support System*, *supra* note 72, at 1.

78. The effect of this tactic may be lessened when a respondent is repeatedly cited for contempt and discovers that he is in no real danger of being sent to jail.

79. Enforcement may be requested either by an individual petitioner or by a welfare department making payments for the children.

80. *Vigil v. Vigil*, 30 Colo. App. 452, 453-54, 494 P.2d 609, 611 (1972).

natural father to give his consent to the adoption.⁸¹ A man suddenly faced with court proceedings to collect a large arrears of child support payments who may think that he is in danger of going to jail may be more receptive to the idea of signing the requested consent for adoption forms. If the power to determine when a contempt citation would be brought did not rest in the mother's hands, improper conduct of this kind would be avoided.

Routine, steady enforcement of support orders has worked in Michigan.⁸² However, there are several problems with routine, steady enforcement for Denver. The first, most decisive problem is that neither the district attorney nor the district court has the staff for such enforcement. Like extensive plea bargaining, rather sporadic enforcement for support orders does, at least, keep many of the cases out of court. Presumably no child goes hungry because his father does not pay the court-ordered support. Rather, the child relies more heavily on welfare or a higher percentage of his support comes from his mother or stepfather.⁸³ Either result probably is less expensive to society as a whole than a high, consistent rate of court enforcement of child support orders.

If the choice is between a rather high, steady rate of court enforcement and a much lower, more sporadic rate of court enforcement, it is clear that a high rate of court enforcement would be more effective, but a low rate of enforcement may actually be less expensive to society.

Other means of enforcement are available. In many cases, the order may be made almost self-enforcing. This is done by the simple technique of requiring the respondent to execute an assignment of wages.⁸⁴ By an assignment of wages, the respondent requests and the court orders that the respondent's employer withhold from each of respondent's paychecks an amount sufficient to meet his child support obligation for the applicable period. The employer then sends the money directly to the clerk of the Denver District Court, who forwards it to the initiating court. The payment is then forwarded by the initiating court to the petitioner, or the welfare department, as appropriate.⁸⁵

Tables 13, 14, 15, and 16 indicate the frequency with which various district court judges have ordered assignments. Judge A ordered assign-

81. Only a few instances of this tactic came to the attention of the author while engaged in child support work with the district attorney. The fact that the tactic is ever effective should be of grave concern.

82. See *U-M Researcher Studies Child Support System*, *supra* note 72, at 1.

83. In many cases, it seems clear that the second husband of the mother is in fact supporting the children in his household. Perhaps society should simply recognize that this will be the result. It does seem, however, to put additional pressure on the mother to remarry.

84. In most cases, an assignment resulted from bargaining between the district attorney and the respondent. If the respondent agreed to execute an assignment of wages, then the district attorney normally would agree to move to have the contempt citation dismissed or at least to have the citation continued for a period of four to six months to ascertain whether the assignment was effective. In some cases, the judge also would indicate that the citation would be dismissed if an assignment were signed. In one case, the judge indicated that the respondent must either sign an assignment of wages or go to jail. To the surprise of everyone, including counsel for the respondent, the respondent indicated that he would prefer to go to jail. The final resolution of the case was that the citation was simply continued with an admonition to the respondent to make his payments as ordered. In fact, the respondent made such payments.

85. See COLO. REV. STAT. § 14-5-129 (1973).

ments in 11.3% of the cases. Judge B ordered assignments in 11.1% of his cases. Assignments were never ordered by Judge C. Judge F ordered assignments in 9.1% of his cases. Thus the rate for all four judges is relatively low.

There may be a seasonal pattern in the ordering of assignments. Approximately 64% of the assignments were made during the relatively cold months of October, November, December, and February. Why assignments as a means of enforcement may be more attractive to judges in these months is not indicated by the study.

In 64.3% of the cases in which an assignment of wages was ordered, the contempt citation was dismissed at the same time, which meant that the court was no longer involved with that particular citation. In 42.9% of the cases in which an assignment was not ordered, however, the case was continued to another date, requiring at least one more day of court involvement. It is clear from an examination of the average arrears remaining for the non-assignment cases in which the citation was continued (\$2,143.69) that the underlying problem really had not been resolved.

Judge A seemed to order assignments for fathers with relatively low incomes (\$576.71 average) who had not been to court often before (average number of prior citations .43). Judge B tended to order assignments for respondents with higher incomes (\$851 average) who had had slightly more than the average number of prior citations (.83). The data thus may indicate an underlying difference in the philosophies of the two judges. Which philosophy is more effective for enforcement purposes simply requires more data.

The answer to the question of why assignments were not used more often is difficult to ascertain. Sometimes skilled workers were ordered to execute assignments; sometimes they were not. Unfortunately, the data simply does not seem to indicate any pattern. In fact, the individual's particular employment history—his number of years at the same job—was normally a significant factor in determining whether or not an assignment would be ordered. Such data, unfortunately, was generally not included in the files and thus not available for this study.

Although assignments would seem to be a highly effective, low cost means of enforcement, they simply will not work for the self-employed, unemployed, or those who change jobs frequently.

Probably the only other alternative means of enforcement is incarceration. How effective does this seem to be in Denver? First, the answer is extremely hard to determine, because so few people (4.6%) were ever even sentenced to jail during the period studied. When the tool was used, however, it probably was not effective. Using Tables 13, 14, 15, and 16, we note that 14.2% of the respondents from whom data was available had been sentenced to jail previously. Of those who had previously been ordered to serve time in jail, 71.4% had actually served some time, yet they appeared again before the court on contempt citations. Evidently these fathers simply would not pay child support, and being sentenced to jail, or actually serving some time, did not shake them resolve. If only 4.6% of the respondents on a contempt citation are given jail sentences, and yet 14.2% of the same group of

respondents have been sentenced to jail before, jailing does not seem to constitute a particularly effective tool for enforcement in Denver.

What, then, seems to be the keys for enforcement? The size of the order relative to income does not seem to matter. The age of the children involved is not significant. The number of children involved is important. It is predictable that men with larger families will have more problems paying child support and will appear more often before the court on contempt citations. Jail is hardly ever used in Denver and, when used, does not seem to be particularly effective. Assignments seem to be both effective and economical for society, but they are not appropriate in all cases and are, in fact, ordered in only approximately 11% of the cases. A significant number of payments seem to be secured simply by issuing a contempt citation and setting it for hearing, but that may be a relatively expensive means of enforcement.

IV. CONCLUSION

Because of the very high percentage of children in the United States who do not live with both their natural parents, child support is of potential major significance to society; yet there seem to be serious problems with both the establishment and enforcement of support orders. The orders which are established do not seem to be consistent. No one of the six objective factors analyzed in the study of establishment orders really explains why one father pays \$50 per month to support two children from a net monthly income of \$900 while another father pays \$60 per month to support two children from a net monthly income of \$450. Too often the amount of the order seems to be determined primarily by the interaction of the judge, district attorney, private attorney, and respondent involved, with the personalities and moods of each of these individuals dictating the result.

The ability of the father to pay, based on his net monthly income, is *not* the determinative factor, even though the law indicates that the ability of the father to pay and the needs of the children should be the *only* issues in a URESA case.⁸⁶ Whether the order is entered by stipulation, by agreement at court, or by the judge, there is wide variation among the percentages of income paid by the respondents.⁸⁷ The greatest variation is found in stipulations reached between the district attorney and respondents not represented by an attorney. The least variation is found on orders entered by judges not usually assigned to domestic relations.

The highest support orders tend to be entered either when the respondent bargains alone with the district attorney or when a non-domestic relations judge decides the case. When a respondent is represented by an attorney, his order tends to be lower, as long as the case does not actually go to trial.

86. *Vigil v. Vigil*, 30 Colo. App. 452, 453-54, 494 P.2d 609, 611 (1972).

87. The range in the amount of the order as a percentage of the respondent's income is as follows: 5.7%-52.9% in stipulations between the district attorney and unrepresented respondents, 6%-31.6% when respondent is represented by an attorney, 5.6%-26.6% in orders entered at trial by a judge assigned to domestic relations, 25.6%-47.1% in orders entered at trial by other judges.

The relatively fixed living expenses of the respondent do not adequately explain the variation in orders. Support orders as a percentage of car and housing payments vary widely. It is interesting to note, however, that two-thirds of the fathers for whom data was available were ordered to pay less to support their children than their car payments.

Some variation in orders may be attributable to seasonal factors, with orders entered in November and December being substantially lower than orders entered during the rest of the year.

When all the cases are considered together without regard to any of the six possible distinguishing factors, only 2.4% of the support orders were less than \$50 per month, and only 5.9% were more than \$250 per month. The majority of the new support orders (54.8%) were for even figures: 11.9% for \$50, 10.7% for \$75, 15.5% for \$100, and 16.7% for \$150. The study, though indicating the relative amount of variation in various aspects of the process by which orders were established, did not isolate the objective factors, if any, that cause the amount of a particular support order to be set at a particular sum.

The needs of the children seem to receive virtually no consideration when the amount of support to be ordered is determined. The majority of children who were on welfare when a support order was sought remained on welfare even when the order was paid in full. There can be no question that the actual needs of any child far exceed the minimal amount of support available from welfare. Children of men who, in fact, have enough money to support them are being supported by other taxpayers. Yet the taxpayers show no signs of a serious protest against this practice. Instead, inadequate and inconsistent support orders are entered, followed by sporadic, unequal, and frequently ineffective enforcement.

Denver has no systematic method of initiating enforcement proceedings against a father who fails to make child support payments. Unless the mother of the children or a welfare department initiates enforcement proceedings, the father may discontinue support payments without any legal consequences.

In the contempt citation cases analyzed in this study, the two most effective means of enforcement seemed to be repeated issuing of contempt citations and securing assignments of wages. Of these two methods, issuance of contempt citations is the more expensive and the more common approach. Jailing was rarely used as a means of enforcement in Denver.

The actual pattern of establishment and enforcement of child support orders in Denver is significantly different from the pattern which the law would seem to suggest. It would seem to be far preferable, given the potential importance of child support, to take time to establish fair, consistent standards to be used in establishing support orders, so that all children and all fathers would be treated equally, no matter who the particular lawyers and judges involved with each case might be. Then, if the courts and society are serious about enforcing child support obligations, the orders should be consistently and effectively enforced. The required judicial machinery is available. It is the attitude of the courts and society which must change.

TABLE 1

MAXIMUM WELFARE GRANT IN COLORADO AS OF FEBRUARY, 1979

Number in Household One Adult Plus:	Summer April - October	Winter November - March
1 Child	\$ 201	\$ 217
2 Children	252	269
3 Children	307	326
4 Children	363	383
5 Children	413	441

TABLE 2

GUIDELINES FOR MONTHLY CHILD SUPPORT ORDERS

Net Income Per Month	1 Child	% of Net Income	2 Children	% of Net Income	3 Children	% of Net Income
\$ 146 or less	\$ 27.95	(19% min.)	\$ 51.60	(35% min.)	\$64.50	(44% min.)
150	30.10	(20%)	51.60	(34%)	64.50	(43%)
176	32.25	(18%)	55.90	(32%)	68.80	(39%)
198	34.40	(17%)	55.90	(28%)	86.00	(43%)
220	36.55	(17%)	62.35	(28%)	77.40	(35%)
240	38.70	(16%)	70.95	(30%)	83.85	(35%)
262	43.00	(16%)	71.10	(27%)	94.50	(36%)
284	45.15	(16%)	81.70	(29%)	101.00	(36%)
305	49.45	(16%)	88.15	(29%)	118.25	(39%)
327	53.75	(16%)	98.90	(30%)	129.00	(39%)
348	58.05	(17%)	105.35	(30%)	135.45	(39%)
370	62.35	(17%)	113.95	(31%)	141.90	(38%)
391	64.50	(16%)	120.40	(31%)	154.80	(40%)
412	68.80	(17%)	129.00	(31%)	163.40	(40%)
435	73.10	(17%)	137.60	(32%)	172.00	(40%)
455	77.40	(17%)	146.20	(32%)	180.60	(40%)
477	81.70	(17%)	154.80	(32%)	191.35	(40%)
500	86.00	(17%)	163.40	(33%)	199.95	(40%)
520	90.30	(17%)	172.00	(33%)	208.55	(40%)
540	96.75	(18%)	180.60	(33%)	217.15	(40%)
563	103.20	(18%)	189.20	(34%)	225.75	(40%)
612	109.65	(18%)	197.80	(32%)	234.35	(38%)
606	116.10	(19%)	206.40	(34%)	242.95	(40%)
628	122.55	(20%)	215.00	(34%)	258.00	(41%)
650	129.00	(20%)	223.60	(34%)	270.90	(42%)
670	133.33	(20%)	227.90	(34%)	277.35	(41%)
692	137.60	(20%)	236.50	(34%)	283.80	(41%)
714	141.90	(20%)	240.80	(34%)	290.25	(41%)
735	146.20	(20%)	249.40	(34%)	296.70	(40%)
756	150.50	(20%)	253.70	(34%)	303.15	(40%)
778	154.80	(20%)	262.30	(34%)	309.60	(40%)
800	159.10	(20%)	266.60	(33%)	316.05	(40%)
821	163.40	(20%)	275.20	(34%)	322.50	(39%)
843	167.70	(20%)	279.50	(33%)	335.40	(40%)
865	172.00	(20%)	288.10	(33%)	345.00	(40%)

TABLE 2—Continued

885	176.30	(20%)	296.70	(34%)	354.75	(40%)
903	180.60	(20%)	305.30	(34%)	364.43	(40%)
928	184.90	(20%)	313.90	(34%)	374.10	(40%)
950	189.20	(20%)	322.50	(34%)	383.78	(40%)
972	193.50	(20%)	331.10	(34%)	393.45	(40%)
993	197.80	(20%)	339.70	(34%)	403.13	(41%)
1,015	202.10	(20%)	348.30	(34%)	412.80	(41%)
1,036	206.40	(20%)	356.90	(34%)	422.48	(41%)
1,058	210.70	(20%)	365.50	(35%)	432.15	(41%)
1,079	215.00	(20%)	374.10	(35%)	441.83	(41%)
1,100	219.30	(20%)	382.70	(35%)	451.50	(41%)
1,122	223.60	(20%)	391.30	(35%)	461.18	(41%)
1,144	227.90	(20%)	399.90	(35%)	470.85	(41%)
1,165	232.20	(20%)	408.50	(35%)	480.53	(41%)
1,187	236.50	(20%)	417.10	(35%)	490.20	(41%)
1,208	240.80	(20%)	425.70	(35%)	499.88	(41%)

TABLE 3

JUDGE A

Cases in Which Some Child Support Ordered
and Respondent's Income Known

Amount of Order	Net Monthly Income	% of Income	Number of Children	Amount/Child
\$ 40	\$ 550	7.2%	2	\$ 20.00
50	445	11.2%	1	50.00
50	840	6.0%	1	50.00
65	618	10.5%	1	65.00
75	334	22.5%	1	75.00
75	875	8.6%	1	75.00
75	900	8.3%	1	75.00
75	785	9.6%	1	75.00
75	581	13.0%	1	75.00
90	350	25.7%	2	45.00
100	420	23.8%	1	100.00
100	561	17.8%	2	50.00
100	525	19.0%	2	50.00
100	515	19.4%	2	50.00
100	600	16.7%	1	100.00
100	1,000	10.0%	2	50.00
112	400	28.0%	2	56.00
125	560	22.3%	1	125.00
125	800	15.6%	4	31.25
150	400	37.5%	2	75.00
150	676	22.2%	2	75.00
150	800	18.7%	1	150.00
150	135	111.1%*	4	37.50
150	475	31.6%	3	50.00
175	640	27.3%	2	87.50
225	900	25.0%	3	75.00
250	838	29.8%	2	125.00
270	968	27.9%	3	90.00
300	625	48.0%	3	100.00
300	1,000	30.0%	3	100.00

Average Order = \$129.38

Average % = 20.5%
Range 6.0% to 48.0%**

Average Per Child = \$70.79

*All averages exclude the 111.1% order

**Excluding the 111.1% order

TABLE 4

JUDGE B

Cases in Which Some Child Support Ordered

Amount of Order	Net Monthly Income	% of Income	Number of Children	Amount/Child
\$ 50	0	100.0%*	1	\$ 50
50	\$ 660	7.6%	2	25
50	300	16.7%	1	50
50	800	6.3%	1	50
50	900	5.6%	2	25
50	874	5.7%	2	25
52	684	7.6%	1	52
60	450	13.3%	2	30
60	500	12.0%	2	30
60	787	7.6%	1	60
60	250	24.0%	1	60
75	440	17.0%	1	75
75	564	13.3%	1	75
80	315	25.4%	1	80
90	520	17.3%	1	90
100	1,342	7.5%	1	100
100	1,053	9.5%	1	100
100	650	15.4%	1	100
112	432	25.9%	2	56
120	450	26.6%	2	60
120	675	17.7%	1	120
125	500	25.0%	1	125
130	925	14.1%	1	130
150	1,640	9.1%	1	150
150	522	28.7%	2	75
150	450	33.3%	1	150
150	800	18.8%	2	75
225	792	28.4%	3	75

Average Order = \$96.07

Average % = 16.3%
Range 5.6% to 33.3%**

Average Per Child = \$68.26

*All averages exclude the 100% order

**Excluding the 100% order

TABLE 5

JUDGE C

Cases in Which Some Child Support Ordered
and Respondent's Income Known

Amount of Order	Net Monthly Income	% of Income	Number of Children	Amount/Child
\$ 75	\$ 765	9.8%	1	\$ 75
125	1,250	10.0%	1	125
150	675	22.2%	2	75
150	600	25.0%	3	50
200	765	26.1%	2	100

Average Order = \$140

Average % = 18.6%
Range 9.8% to 26.1%

Average Per Child = \$77.78

TABLE 6
OTHER JUDGES

Cases in Which Some Child Support Ordered
and Respondent's Income Known

Judge	Amount of Order	Net Monthly Income	% of Income	Number of Children	Amount/Child
Judge D	\$200	\$500	40.0%	2	\$100
Judge E	150	586	25.6%	3	50
Judge F	95	800	11.9%	1	95
Judge F	150	947	15.8%	2	75
Judge G	125	300	41.7%	1	125
Judge H	80	762	10.5%	1	80

Average Order = \$133.33

Average % = 24.3%

Average Per Child = \$80.00

Range 10.5% to 41.7%

TABLE 7
JUDGE A

Orders Entered After a Contest at Court

Attorney	Amount of Order	Net Monthly Income	% of Income	Number of Children	Amount/Child
Yes	\$ 40	\$550	7.2%	2	\$ 20.00
No	65	618	10.5%	1	65.00
No	100	561	17.8%	2	50.00
No	125	800	15.6%	4	31.25
No	150	800	18.8%	1	150.00
No	150	135	111.1%*	4	37.50

Average Order = \$96

Average % = 14.0%

Average Per Child = \$48.00

Range 7.2% to 18.6%**

If Respondent has no Attorney

Average Order = \$110

Average % = 15.7%

Average Per Child = \$55

Range 10.5% to 18.6%**

*All averages exclude the 111.1% order

**Excluding the 111.1% order

TABLE 8

JUDGE B

Orders Entered After a Contest at Court

Attorney	Amount of Order	Net Monthly Income	% of Income	Number of Children	Amount/Child
No	\$ 50	0	100.0%*	1	\$ 50
No	50	\$660	7.6%	2	25
No	50	900	5.6%	2	25
No	60	450	13.3%	2	30
No	60	500	12.0%	2	30
No	60	250	24.0%	1	60
No	112	432	25.9%	2	56
No	120	450	26.7%	2	60
No	125	500	25.0%	1	125

Average Order = \$79.63

Average % = 17.5%

Average Per Child = \$45.50

Range 5.6% to 26.7%**

*All averages exclude the 100.0% order

**Excluding the 100.0% order

TABLE 9

ORDERS BY SEASON OF THE YEAR

Month	Average Order	Average % of Income	Number of Orders
January	\$141.20	17.1%	11
February	94.00	17.6%	6
March	111.00	21.7%	7
April	110.00	18.7%	8
May	143.57	20.5%	8
June	140.00	24.4%	8
July	133.33	20.9%	3
August	120.00	16.7%	6
September	141.66	24.1%	4
October	132.33	20.1%	4
November	94.50	12.6%	13
December	76.17	12.6%	6

TABLE 10
RESPONDENTS WITH TWO OR MORE PRIOR CITATIONS

Age of Youngest Child*	Yrs. Since Order Entered	Amount of Order	Net Monthly Income	Steady Job	Prior Citations	Prior Jail Sentence	Served	Total Arrears	Amt. Paid Within 10 Days***	Att'y Result
9	1	\$ 30	\$488**	Unk	2	No	N/A	\$1,955	0	No Assignment, Cont. w/Conds.
18	5	30	500	Unk	2	Yes	No	1,562	0	No Assignment
17	6	30	550**	Unk	4	Yes	Yes	2,140	\$ 80	No Cit. Dismissed
16	10	45	330**	Unk	5	Yes	Yes	2,134	0	No Cont. w/Conds.
16	10	45	338**	Unk	4	Yes	Yes	2,134	65	No Cit. Dismissed
17	13	50	277**	Yes	7	Yes	Yes	3,420	60	No Cit. Cont.
17	4	50	404**	Unk	2	No	N/A	1,415	0	No Other
16	4	50	Unk	Yes	3	No	N/A	Unk	0	No Cit. Dismissed
18	5	50	404**	Yes	2	No	N/A	1,820	0	No Jail Imposed
16	7	60	400**	Unk	3	No	N/A	1,743	0	Yes Cit. Cont.
14	12	67	535**	Yes	6	Yes	No	1,162	1,200	Unk Assignment
13	5	75	810	Yes	3	No	N/A	3,075	75	No Cont. w/Conds.
12	6	75	410**	Unk	3	Yes	Yes	2,500	50	No Cit. Cont.
11	4	79	410**	Unk	5	Yes	Yes	2,300	0	Yes Cont. w/Conds.
13	4	100	864	Yes	3	Yes	Yes	11,635	0	Yes Cit. Cont.
9	3	100	Unk	Unk	2	No	N/A	680	0	No "Other"
15	13	120	670	Yes	7	Yes	No	3,540	0	No Jail - Suspended
10	3	130	488**	Yes	3	No	N/A	2,255	0	No Cit. Cont.
11	3	150	Unk	Unk	3	Yes	Yes	3,300	0	Yes Cit. Dismissed
12	4	160	600**	No	2	No	N/A	2,415	800	No Cit. Dismissed
7	4	160	830	Yes	3	Yes	Yes	6,685	100	Yes Cont. w/Conds.
10	3	165	580**	Yes	2	No	N/A	2,805	0	Yes Cit. Cont.
10	4	165	800	Yes	2	Yes	Yes	2,805	0	Yes Cit. Cont.
17	7	185	922	Unk	5	Yes	No	1,905	600	No Cit. Dismissed
16	8	200	680**	Unk	2	No	N/A	4,987	0	Yes Cit. Cont.
7	4	200	642**	Yes	2	No	N/A	2,225	339	No Assignment, Cit. Dismissed

TABLE 10—Continued

Age of Youngest Child*	Yrs. Since Order Entered	Amount of Order	Net Monthly Income	Steady Job	Prior Citations	Prior Jail Sentence	Served	Total Arrears	Amt. Paid Within 10 Days***	Att'y	Result
Unk	Unk	240	Unk	Unk	3	Yes	Unk	Unk	Bounced	Yes	Cit. Dismissed
8	1	250	680**	Yes	2	No	N/A	3,800	0	No	Bench Warrant
13	4	260	650**	Unk	4	Yes	Yes	5,750	143	No	Cont. w/Conds.
2	1	300	975** 400	Yes	2	Yes	No	3,520	0	No	Cont. w/Conds.

*At Time of this Citation

**Income at Time of Original Order

***Prior to the Current Citation Hearing

TABLE 11
ALL CURRENT CITATIONS WHICH RESULTED IN JAIL SENTENCES

Judge	Amount of Order	Yrs. Since Order Entered	Children Covered by Order	Income at Time of Order	Income When Sentenced	Arrears at Time of Sentence	Prior Citations	Day Sentenced	Result	Current Status*
B	\$50, to increase to 75 after 6 months	2	1	\$500	\$ 5.25/hr	\$1,500	0	15	Suspended on cond. assignment executed	Paid \$1,600 (full amt. due) in 16 payments
B	50	5	1	404	Unk	1,870	2	10	Served	Paid \$25/mo. for 7 mos. No further payment made
B	100	3	1	Unemployed, \$7,000 total for prior yr.	Unk	Unk	0	30	Suspended on cond. \$100 paid/month	No payments made
A	120	4	2	533	Unk	2,254	1	30	Stayed on cond. \$30/wk. paid	Paid \$3,713.50 in 68 payments with <i>some</i> amount paid each month**
F	120	13	3	375	670	3,540	8***	75	Stayed on cond. \$30/mo. paid on arrears	Paid a total of \$240 over 7 mo. period in 14 payments less than amt. ordered
B	120 ⁿ	4	3	430	Unk	2,730	1****	10	Stayed on cond. \$35/wk. paid	Made 53 payments totalling \$2,335. \$790 in arrears when assignment ordered Feb. 1979

TABLE 11—Continued

Judge	Amount of Order	Yrs. Since Order Entered	Children Covered by Order	Income at Time of Order	Income When Sentenced	Arrears at Time of Sentence	Prior Citations	Day Sentenced	Result	Current Status*
B	160	1	2	\$600	Unemployed	\$3,620	0	30	Suspended on cond. \$20/wk. paid until reemployed, then \$160/mo.	Paid \$1,592 in 33 payments for 1 yr. Did not pay full amt. or- dered. No fur- ther court action

* As of July, 1979

** Two of the payments bounced

*** Including a 30-day jail sentence 17 months earlier, which was suspended, but resulted in payments for only 5 months

**** Two additional citations had been issued by July, 1979 with the latest citation resulting in the assignment

TABLE 12
CASES IN WHICH PAYMENT MADE WITHIN TEN DAYS BEFORE HEARING

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amount Paid	Attorney	Result
6	\$ 30	\$ 550*	4	Yes	Yes	\$2,140	\$ 80	No	Cit. Dismissed
10	45	338*	4	Yes	Yes	2,134	65	No	Cit. Dismissed
13	50	277*	7	Yes	Yes	3,420	60	No	Cit. Dismissed
1	50	496*	0	No	N/A	0	150	No	Cit. Dismissed
12	67	535*	6	Yes	No	1,162	1,200	Unk	Assignment
5	75	810	3	No	N/A	3,075	75	No	Cont. w/Conds.
2	75	Unk	0	No	N/A	579	375	No	Cit. Dismissed
5	75	500*	1	No	N/A	2,850	75	No	Cont. w/Conds.
Unk	75	Unk	0	No	N/A	375	100	Yes	Cont. w/Conds.
3	75	727*	0	No	N/A	500	160	No	Cit. Dismissed
5	75	500*	1	No	N/A	2,850	75	No	Cit. Dismissed
5	75	800	0	No	N/A	4,540	150	Yes	Cont. w/Conds.
6	75	410*	3	Yes	Yes	2,500	50	No	Cont.
1	80	900	0	No	N/A	360	120	No	Cit. Dismissed
5	90	Unk	1	No	N/A	1,190	80	No	Cont. w/Conds.
1	90	565	0	No	N/A	1,110	40	No	Assignment
2	90	630*	0	No	N/A	270	90	No	Cont.
3	95	Unk	1	No	N/A	1,555	700	Yes	Assignment, Cont. w/Conds.
0	100	500	0	No	N/A	0	125	No	Cit. Dismissed
1	150	793*	0	No	N/A	142	110	Unk	Cit. Dismissed
1	150	1,400	0	No	N/A	1,100	400	No	Cont. w/Conds.
1	160	Unk	0	No	N/A	1,260	85	No	Cit. Dismissed
4	160	600*	2	No	N/A	2,415	800	No	Cit. Dismissed
4	160	830	3	Yes	Yes	6,685	100	Yes	Cont. w/Conds.
1	175	596*	0	No	N/A	935	100	Yes	Cont.
7	185	922	5	Yes	No	1,095	600	No	Cit. Dismissed

TABLE 12—Continued

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amount Paid	Attorney	Result
Unk	200	1,100	0	No	N/A	1,300	100	No	Assignment, Cont. w/Conds.
4	200	642*	2	No	N/A	2,225	339	No	Assignment, Cont. w/Conds.
2	225	709	1	Yes	Yes	4,590	75	Yes	Jail - Suspended, Cont. w/Conds.
Unk	240	Unk	3	Yes	Unk	Unk	Bounced	Yes	Cit. Dismissed
1	260	1,000	0	No	N/A	730	570	Yes	Cont. w/Conds.
1	300	907*	0	No	N/A	2,250	150	Yes	Assignment, Cont. w/Conds.
2	300	907*	0	No	N/A	2,250	150	Yes	Cit. Dismissed
1	350	960	0	No	N/A	0	300	Yes	Cit. Dismissed

*Income at Time of Original Order

TABLE 13
JUDGE A

Contempt Citation Orders

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amt. Paid Within 10 Days**	Att'y	Date	Result
3	\$ 25	\$ 900	0	No	N/A	\$1,020	0	Yes	11/77	Assignment, Cit. Dismissed
10	45	338	4	Yes	Yes	2,134	\$ 65	No	9/77	Cit. Dismissed
Unk	50	Unk	0	No	N/A	400	0	No	1/77	Cont. w/Conds.
0	50	Unk	Unk	Unk	Unk	Unk	0	No	4/77	Unk
2	50	Unk	0	No	N/A	400	0	No	5/77	Cit. Dismissed
13	50	277*	7	Yes	Yes	3,420	60	No	3/77	Cont.
0	50	450*	0	No	N/A	125	0	No	3/77	Cit. Dismissed
5	50	566*	0	No	N/A	1,470	0	No	4/77	Cont.
2	50	590*	0	No	N/A	600	0	No	5/77	Cit. Dismissed
2	60	Unk	1	No	N/A	800	0	No	4/77	Cont. w/Conds.
1	60	400*	1	No	N/A	870	0	No	12/77	Cont. w/Conds.
2	60	450*	1	No	N/A	1,480	0	Yes	12/77	Assignment, Cit. Dismissed
1	63	850*	0	No	N/A	560	0	No	4/77	Other — Not Dismissed
2	75	Unk	0	No	N/A	579	375	No	7/77	Cit. Dismissed
Unk	75	Unk	0	No	N/A	375	100	Yes	8/77	Cont. w/Conds.
Unk	75	Unk	0	No	N/A	250	0	Yes	11/77	Cit. Dismissed
5	75	512*	1	No	N/A	Unk	0	No	10/77	Cit. Dismissed
5	75	513*	1	No	N/A	3,700	0	No	7/77	Assignment, Cont. w/Conds.
2	75	596	1	No	N/A	0	0***	No	8/77	Cit. Dismissed
2	75	599	1	No	N/A	975	0	No	5/77	Cont. w/Conds.
1	75	600	0	No	N/A	750	0	No	2/77	Assignment, Cit. Dismissed

TABLE 13—Continued

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amt. Paid Within 10 Days**	Att'y	Date	Result
2	75	727*	0	No	N/A	510	0	No	5/77	Cont. w/Conds.
3	75	727	0	No	N/A	500	160	No	9/77	Cit. Dismissed
1	75	900	0	No	N/A	496	0	No	10/77	Other — Not Dismissed
3	75	1,184	0	No	N/A	575	0	No	3/77	Cont. w/Conds.
4	80	576	1	No	N/A	Unk	0	No	1/77	Cit. Dismissed
1	80	900	0	No	N/A	360	120	No	11/77	Cit. Dismissed
1	80	1,000	0	No	N/A	320	0	No	9/77	Cont.
5	90	Unk	1	No	N/A	1,190	80	No	4/77	Cont. w/Conds.
0	95	430*	0	No	N/A	475	0	No	10/77	Cont. w/Conds.
4	100	Unk	1	No	N/A	1,700	0	Yes	4/77	Cont.
1	100	Unk	0	No	N/A	500	0	Yes	5/77	Cit. Dismissed
5	100	Unk	1	No	N/A	2,300	0	Yes	6/77	Cont.
2	100	Unk	0	No	N/A	2,800	0	No	11/77	Bench warrant
2	100	500	0	No	N/A	900	0	No	12/77	Other
(Unemplmt. Comp.)										
2	100	464	0	No	N/A	2,200	0	No	1/77	Cont. w/Conds.
0	100	500	0	No	N/A	0	125	No	8/77	Cit. Dismissed
0	100	562	0	No	N/A	350	0	No	10/77	Assignment, Cit. Dismissed
8	110	420*	Unk	Unk	Unk	Unk	0	No	5/77	Unk
4	120	652	1	No	N/A	2,254	0	No	2/77	Jail — Suspended
1	125	Unk	0	No	N/A	Unk	0	Unk	1/77	Cit. Dismissed
3	125	585*	1	No	N/A	0	0	No	11/77	Cit. Dismissed
5	130	500	3	No	N/A	2,255	0	No	12/77	Cont.
5	130	575*	1	Yes	No	1,512	0	No	8/77	Bench warrant
4	150	Unk	0	No	N/A	2,885	0	No	8/77	Cit. Dismissed
3	150	670	0	No	N/A	3,490	0	No	8/77	Cit. Dismissed
4	160	600*	2	No	N/A	2,415	800	No	7/77	Cit. Dismissed
3	160	800	0	No	N/A	6,560	0	No	11/77	Cit. Dismissed
1	175	596*	0	No	N/A	935	100	Yes	3/77	Cont.

TABLE 13—Continued

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amt. Paid Within 10 Days**	Att'y	Date	Result
3	180	780	0	No	N/A	3,000	0	No	11/77	Cont. w/Conds.
7	185	922	5	Yes	No	1,095	600	No	2/77	Cit. Dismissed
1	189	Unk	Unk	Unk	Unk	Unk	0	No	5/77	Unk
Unk	192	Unk	Unk	Unk	Unk	Unk	0	No	1/77	Unk
4	200	665*	1	Yes	No	630	0	No	5/77	Cont. w/Conds.
8	200	680*	2	No	N/A	4,987	0	Yes	7/77	Cont.
Unk	200	1,100	0	No	N/A	1,300	100	No	7/77	Assignment, Cont. w/Conds.
0	201	760	Unk	Unk	Unk	Unk	0	No	8/77	Unk
Unk	240	Unk	3	Yes	Unk	Unk	Bounced	Yes	1/77	Cit. Dismissed
0	300	625	0	No	N/A	1,490	0	No	12/77	Cit. Dismissed
2	300	907*	0	No	N/A	2,250	150	Yes	8/77	Cit. Dismissed
1	350	960	0	No	N/A	0	300	Yes	9/77	Other
2	350	960	1	No	N/A	830	0	Yes	1/78	Cont.

*Income at Time of Original Order

**Prior to Current Hearing

TABLE 14

JUDGE B

Contempt Citation Orders

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amt. Paid Within 10 Days**	Att'y	Date	Result
1	\$ 30	\$ 488*	2	No	N/A	\$1,955	0	No	4/77	Assignment, Cont. w/Conds.
2	40	1,000	0	No	N/A	400	0	No	4/77	Cont. w/Conds.
0	50	Unk	0	No	N/A	1,054	0	No	5/77	Assignment, Cit. Dismissed
4	50	Unk	1	No	N/A	130	0	Yes	5/77	Cit. Dismissed
4	50	Unk	1	Yes	Yes	600	0	Yes	7/77	Cit. Dismissed
4	50	Unk	3	No	N/A	Unk	0	No	9/77	Cit. Dismissed
5	50	404*	2	No	N/A	1,820	Unk	No	12/77	Jail — Served
2	50	945	2	Yes	No	1,500	0	No	2/77	Assignment, Jail — Suspended
1	60	193*	0	No	N/A	270	0	Yes	12/77	Other
5	75	500*	1	No	N/A	2,850	\$75	No	11/77	Cit. Dismissed
2	75	Unk	0	No	N/A	675	0	No	4/77	Cont.
5	75	500+	1	No	N/A	2,850	75	No	8/77	Cont. w/Conds.
5	75	530*	0	No	N/A	1,540	0	No	12/77	Assignment, Cit. Dismissed
1	75	656	0	No	N/A	487	0	No	8/77	Bench warrant
1	75	660	0	No	N/A	525	0	No	2/77	Cont. w/Conds.
5	75	810	3	No	N/A	3,075	75	No	2/77	Cont. w/Conds.
4	79	410*	5	Yes	Yes	2,300	0	Yes	8/77	Cont. w/Conds.
1	80	480	0	No	N/A	595	0	Yes	8/77	Cit. Dismissed
2	90	Unk	0	No	N/A	Unk	0	No	1/77	Cont.
3	90	Unk	1	No	N/A	1,555	0	No	10/77	Cont. w/Conds.
2	90	630*	0	No	N/A	270	90	No	12/77	Cont.
4	100	Unk	0	No	N/A	3,700	0	No	8/77	Jail — Suspended

TABLE 14—Continued

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amt. Paid Within 10 Days**	Att'y	Date	Result
3	100	455*	1	Yes	Yes	4,000	0	No	1/78	Cont. w/Conds.
1	100	520	0	No	N/A	1,050	0	No	3/77	Cont. w/Conds.
4	100	650	1	No	N/A	2,750	0	No	3/77	Cont. w/Conds.
3	100	650*	1	No	N/A	2,750	0	No	6/77	Cit. Dismissed
4	100	864	3	Yes	Yes	11,635	0	Yes	2/77	Cont.
1	100	1,100	0	No	N/A	1,200	0	No	4/77	Cont. w/Conds.
0	120	574	Unk	Unk	Unk	Unk	0	No	2/77	Unk.
2	125	Unk	0	No	N/A	Unk	Unk	No	3/77	Cit. Dismissed
1	140	500	1	No	N/A	1,060	140	No	4/77	Cit. Dismissed
1	140	550	0	No	N/A	840	0	No	3/77	Cit. Dismissed
2	150	Unk	1	No	N/A	1,050	50	No	5/77	Bench warrant
1	150	Unk	1	No	N/A	1,950	0	No	12/77	Cont.
0	150	750*	Unk	Unk	Unk	Unk	0	No	10/77	Unk
1	150	799	1	No	N/A	750	0	No	12/77	Assignment
4	150	850	1	No	N/A	2,775	0	No	4/77	Bench warrant, Cont. w/Conds.
1	150	1,400	0	No	N/A	1,100	400	No	4/77	Cont. w/Conds.
1	150	1,800	0	No	N/A	2,100	0	No	4/77	Cont. w/Conds.
4	157	450*	0	No	N/A	2,730	0	No	9/77	Jail — Suspended
1	160	Unk	0	No	N/A	1,260	85	No	5/77	Cit. Dismissed
1	160	600*	0	No	N/A	3,620	0	No	3/77	Jail — Suspended
3	165	580*	2	No	N/A	2,805	0	Yes	9/77	Cont.
4	165	800	2	Yes	Yes	2,805	0	Yes	11/77	Cont.
Unk	170	Unk	Unk	Unk	Unk	Unk	Unk	No	5/77	Unk
4	200	642*	2	No	N/A	2,225	339	No	9/77	Assignment, Cit. Dismissed
2	200	681*	0	No	N/A	Unk	0	No	10/77	Cont. w/Conds.
2	225	709	1	Yes	Yes	4,590	75	Yes	2/77	Jail — Suspended, Cont. w/Conds.
1	250	640*	1	No	N/A	750	0	No	9/77	Cit. Dismissed
1	250	680*	0	No	N/A	1,250	0	No	3/77	Cont.
1	260	1,000	0	No	N/A	730	570	Yes	10/77	Cont. w/Conds.

*Income at Time of Original Order

TABLE 15
JUDGE C

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amt. Paid Within 10 Days**	Att'y	Date	Result
10	\$ 45	\$330	5	Yes	Yes	\$2,134	0	No	6/77	Cont. w/Conds.
Unk	100	Unk	Unk	Unk	Unk	Unk	Unk	No	1/77	Unk
Unk	140	Unk	Unk	Unk	Unk	Unk	Unk	No	1/77	Unk
4	150	Unk	0	No	N/A	2,885	0	No	6/77	Cont. w/Conds.
6	150	500*	0	No	N/A	6,612	0	No	6/77	Cont. w/Conds.
4	180	Unk	1	No	N/A	3,255	0	Yes	6/77	Cit. Dismissed

*Income at Time of Original Order

**Prior to Current Hearing

TABLE 16
JUDGE F

Yrs. Since Order Entered	Amount of Order	Past or Present Income	Prior Citations	Prior Jail Sentence	Served	Arrears	Amt. Paid Within 10 Days**	Att'y	Date	Result
1	\$ 60	\$ 193*	0	No	N/A	\$ 510	0	Yes	1/78	Cit. Dismissed
2	75	350	0	No	N/A	600	Unk	No	2/78	Prior order dismissed
6	75	410*	3	Yes	Yes	2,500	\$ 50	No	1/78	Cont.
3	95	Unk	1	No	N/A	1,555	700	Yes	2/78	Assignment, Cont. w/Conds.
3	100	550	1	No	N/A	500	0	No	10/77	Cont. w/Conds.
2	120	Unk	0	No	N/A	450	0	Yes	1/78	Cont. w/Conds.
13	120	670	7	Yes	No	3,540	0	No	1/78	Jail — Suspended
3	130	488*	3	No	N/A	2,255	0	No	1/78	Cont. — Unemployed
1	250	500*	0	No	N/A	1,250	0	Yes	1/78	Cont. w/Conds.
1	250	680*	2	No	N/A	3,800	0	No	1/78	Bench warrant
1	260	1,200	0	No	N/A	2,231	0	Yes	1/78	Cit. Dismissed

* Income at Time of Original Order

** Prior to Current Hearing

